

Yamhill County Property Tax Record

Account Info:

Account No	55371	Data Current as of:	2/2/2006
Map/Tax Lot Number	R3220 00300	Market Land Value	\$ 1,769,391.00
Property Class	2416	Market Structure Value	\$ 1,785,055.00
Tax Code Area	29.2	Specially Assessed Land Value	\$ 274,040.00
Property Status	ACTIVE	Assessed Value	\$ 1,231,948.00
Associated Pin#		Exemption	\$.00
		Net Taxable	\$ 1,231,948.00
		Most Recent Levied Tax	\$ 16,146.15

Owner Info:

Property Owner RESIDENT
 Situs Address 00504 NE AIRPARK WY
 Owner Mailing Address PO BOX 248 NEWBERG OR 97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
1962	56.15	2292	3	0	1

Sales Info:

Deed Reference Number	Sales Date	Sale Price
2000/06739	12/31/1996	\$.00

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Yamhill County Property Tax Record

Account Info:

Account No	483571	Data Current as of:	2/2/2006
Map/Tax Lot Number	R3220 00302	Market Land Value	\$ 431,421.00
Property Class	3006	Market Structure Value	\$.00
Tax Code Area	29.0	Specially Assessed Land Value	\$.00
Property Status	ACTIVE	Assessed Value	\$ 380,883.00
Associated Pin#		Exemption	\$.00
		Net Taxable	\$ 380,883.00
		Most Recent Levied Tax	\$ 6,621.26

Owner Info:

Property Owner	RESIDENT	
Situs Address	02803 E 9TH ST	NEWBERG
Owner Mailing Address	PO BOX 248 NEWBERG OR 97132	

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	2.78	0	0	0	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
2005/23317	1/20/2005	\$.00

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Yamhill County Property Tax Record

Account Info:

Account No	486799	Data Current as of:	2/2/2006
Map/Tax Lot Number	R3220 00303	Market Land Value	\$ 192,837.00
Property Class	2006	Market Structure Value	\$.00
Tax Code Area	29.2	Specially Assessed Land Value	\$.00
Property Status	ACTIVE	Assessed Value	\$ 91,355.00
Associated Pin#		Exemption	\$.00
		Net Taxable	\$ 91,355.00
		Most Recent Levied Tax	\$ 1,197.32

Owner Info:

Property Owner RESIDENT
Situs Address

Owner Mailing Address PO BOX 248 NEWBERG OR 97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	3.24	0	0	0	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
2004/09632	5/17/2004	\$ 842,500.00

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Yamhill County Property Tax Record

Account Info:

Account No 532219
Map/Tax Lot Number R3220 00304
Property Class 3006
Tax Code Area
Property Status ACTIVE
Associated Pin#

Data Current as of: 2/2/2006

Market Land Value \$.00
Market Structure Value \$.00
Specially Assessed Land Value \$.00
Assessed Value \$.00
Exemption \$.00
Net Taxable \$.00
Most Recent Levied Tax \$.00

Owner Info:

Property Owner RESIDENT
Situs Address 02901 E 9TH ST NEWBERG
Owner Mailing Address PO BOX 248 NEWBERG OR 97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	4.09	0	0	0	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
2005/23317	1/20/2005	\$.00

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Yamhill County Property Tax Record

Account Info:

Account No 532222
 Map/Tax Lot Number R3220 00305
 Property Class 3006
 Tax Code Area
 Property Status ACTIVE
 Associated Pin#

Data Current as of: 2/2/2006

Market Land Value \$.00
 Market Structure Value \$.00
 Specially Assessed Land Value \$.00
 Assessed Value \$.00
 Exemption \$.00
 Net Taxable \$.00
 Most Recent Levied Tax \$.00

Owner Info:

Property Owner RESIDENT
 Situs Address 02751 E 9TH ST NEWBERG
 Owner Mailing Address PO BOX 248 NEWBERG OR 97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	2.14	0	0	0	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
2005/23317	1/20/2005	\$.00

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Yamhill County Property Tax Record

Account Info:		Data Current as of:	2/2/2006
Account No	508096	Market Land Value	\$ 101,823.00
Map/Tax Lot Number	R3220 01101	Market Structure Value	\$.00
Property Class	9406	Specially Assessed Land Value	\$.00
Tax Code Area	29.2	Assessed Value	\$ 101,823.00
Property Status	ACTIVE	Exemption	\$.00
Associated Pin#		Net Taxable	\$.00
		Most Recent Levied Tax	\$.00

Owner Info:

Property Owner RESIDENT
 Situs Address

Owner Mailing Address 1802 HAWORTH AVE NEWBERG OR
 97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	9.00	0	0	0	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
1997/15757	9/17/1997	\$.00

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Yamhill County Property Tax Record

Account Info:

Account No	55594	Data Current as of:	2/2/2006
Map/Tax Lot Number	R3220 01300	Market Land Value	\$ 225,502.00
Property Class	4016	Market Structure Value	\$ 65,268.00
Tax Code Area	29.2	Specially Assessed Land Value	\$.00
Property Status	ACTIVE	Assessed Value	\$ 194,900.00
Associated Pin#		Exemption	\$.00
		Net Taxable	\$ 194,900.00
		Most Recent Levied Tax	\$ 2,554.41

Owner Info:

Property Owner	RESIDENT
Situs Address	02300 NE 2ND ST
Owner Mailing Address	PO BOX 536 LONG BEACH WA 98631

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
1916	16.38	2148	4	0	1

Sales Info:

Deed Reference Number	Sales Date	Sale Price
136/0055	1/1/1957	\$.00

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Yamhill County Property Tax Record

Account Info:

Account No	55610	Market Land Value	\$ 70,349.00
Map/Tax Lot Number	R3220 01500	Market Structure Value	\$ 106,418.00
Property Class	4016	Specially Assessed Land Value	\$.00
Tax Code Area	29.2	Assessed Value	\$ 146,394.00
Property Status	ACTIVE	Exemption	\$.00
Associated Pin#		Net Taxable	\$ 146,394.00
		Most Recent Levied Tax	\$ 1,918.66

Owner Info:

Property Owner	RESIDENT
Situs Address	00312 NE AIRPARK WY
Owner Mailing Address	312 NE AIRPARK WY NEWBERG OR 97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
1965	0.51	1280	3	0	1

Sales Info:

Deed Reference Number	Sales Date	Sale Price
1985/07922	10/1/1985	\$ 75,000.00

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Yamhill County Property Tax Record

Account Info:

Account No	55399	Data Current as of:	2/2/2006
Map/Tax Lot Number	R3220DD 01900	Market Land Value	\$ 215,561.00
Property Class	3016	Market Structure Value	\$ 428,723.00
Tax Code Area	29.2	Specially Assessed Land Value	\$.00
Property Status	ACTIVE	Assessed Value	\$ 320,676.00
Associated Pin#		Exemption	\$.00
		Net Taxable	\$ 320,676.00
		Most Recent Levied Tax	\$ 4,202.84

Owner Info:

Property Owner	RESIDENT
Situs Address	00901 NE ST PAUL HWY
Owner Mailing Address	PO BOX 369 NEWBERG OR 97132

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	2.00	0	0	0	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
2003/11289	5/14/2003	\$ 625,000.00

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Yamhill County Property Tax Record

Account Info:

Account No 517714
 Map/Tax Lot Number R3221 01702
 Property Class 3006
 Tax Code Area 29.0
 Property Status ACTIVE
 Associated Pin#

Data Current as of:

2/2/2006

Market Land Value \$ 172,878.00
 Market Structure Value \$.00
 Specially Assessed Land Value \$.00
 Assessed Value \$ 159,178.00
 Exemption \$.00
 Net Taxable \$ 159,178.00
 Most Recent Levied Tax \$ 2,767.16

Owner Info:

Property Owner RESIDENT
 Situs Address

Owner Mailing Address 18485 SW SCHOLLS FERRY RD
 BEAVERTON OR 97007

Property Info:

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	2.37	0	0	0	0

Sales Info:

Deed Reference Number	Sales Date	Sale Price
2005/20475	9/16/2005	\$ 230,000.00

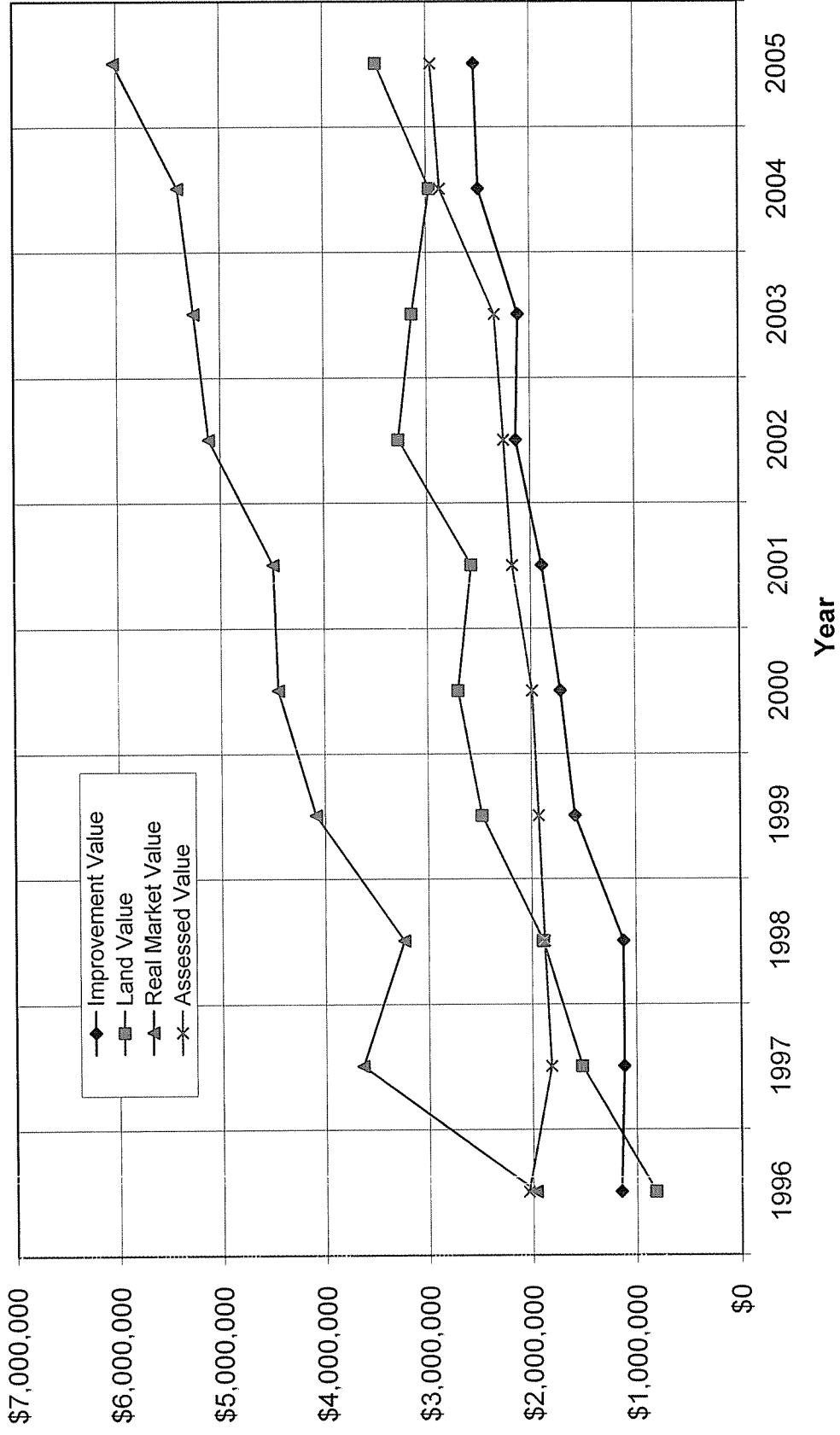
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1

Sportsman Alipark Land Use Master Plan Property Data																
Aron Faegre & Associates																
2/27/2006																
Tax Lot	Acres	Zone	Land \$	County	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	Current
3220 - 300	56.15	PALF	Improvement Value		69291	694291	658881	658881	979183	1077101	1253006	1426361	1448673	1767381	1785055	
55371			Land Value		221208	221208	225158	497549	795419	874961	1041677	1041677	1041677	1187511	1769391	
			Real Market Value		915499	915499	884039	1381989	1774602	1952062	2127967	2468038	2490350	2954892	3554446	
			Assessed Value		930792	931590	837713	866499	892494	919255	1068208	1114272	1161264	1196090	1231948	
			Taxes Assessed		9964.69	10380.44	9950.19	10176.31	10321.89	10518.77	12552.94	12815.13	15975.86	15744.59	16146.15	0.013106
302	2.78	M2	Improvement Value		0	0	0	0	0	0	0	0	0	0	0	
483571			Land Value				560109	610519	702097	779328	701395	778547	848617	440226	431421	
			Real Market Value				560109	610519	702097	779328	701395	778548	848617	440226	431421	
			Assessed Value		1949	2043	1754	1805	1857	1910	1966	2023	2078	369789	380883	
			Taxes Assessed		29.01	30.79	28.84	29.93	30.7	30.41	31.84	32.47	37.64	3941.12	6621.26	0.017384
303	3.24	AF10	Improvement Value		0	0	0	0	0	0	0	0	0	0	0	
486799			Land Value				78186	78186	86005	94606	94606	113527	113527	129421	192837	
			Real Market Value				78186	78186	86005	94606	94606	113527	113527	129421	192837	
			Assessed Value		1500	1581	1350	1393	1435	1477	1523	1568	1614	88694	91355	
			Taxes Assessed		16.05	17.61	16.04	16.48	16.6	16.91	17.9	18.03	22.21	523.05	1197.32	0.013106
304	4.09		Improvement Value													
in 303			Land Value													
532219			Real Market Value													
			Assessed Value													
			Taxes Assessed													
305	2.14		Improvement Value													
in 303			Land Value													
532222			Real Market Value													
			Assessed Value													
			Taxes Assessed													
1101	9	AF10	Improvement Value		0	0	0	0	0	0	0	0	0	0	0	
508096			Land Value		60965	64174	67552	71107	74849	78788	82935	87300	91895	96732	101823	
			Real Market Value		60965	64174	67552	71107	74849	78788	82935	87300	91895	96732	101823	
			Assessed Value		60965	64174	67552	71107	74849	78788	82935	87300	91895	96732	101823	
			Taxes Assessed		0	0	0	0	0	0	0	0	0	0	0	
1300	16.38	AF10	Improvement Value		56940	54093	51388	51902	55016	62168	62168	54086	54627	63367	65268	
55594			Land Value		114010	134532	154712	168636	193931	215262	193736	220859	242945	304804	225502	
			Real Market Value		170950	186625	206100	220538	248947	277430	255904	274945	297572	311171	290770	
			Assessed Value		170950	186624	153855	158470	163224	168121	173165	178360	183711	189223	194900	
			Taxes Assessed		1830.12	2101.78	1827.46	1876.09	1887.72	1923.76	2034.93	2051.3	2527.37	2490.8	2554.41	0.013106
1400	25.5	AF10	Improvement Value		56187	53378	50709	51216	54289	61346	61346	53371	53885	62183	63988	
55601			Land Value		119574	141097	162262	176864	203394	225768	203192	531639	254803	259899	236508	
			Real Market Value		175761	194475	212971	228080	257683	287114	264538	285010	308688	322082	300496	
			Assessed Value		175761	194475	158185	162931	167819	172853	178039	183380	188882	194548	200385	
			Taxes Assessed		1881.63	2166.98	1878.88	1928.9	1940.87	1977.91	2092.2	2109.03	2598.5	2560.91	2626.28	0.013106
1500	0.51	AF10	Improvement Value		92838	88196	83786	84624	89701	101362	101362	88185	89067	103318	106418	
55610			Land Value		35568	41970	48266	52609	60500	67155	60440	68901	75791	77307	70349	
			Real Market Value		128406	130166	132052	137233	150201	168517	161802	157086	164858	180625	176767	
			Assessed Value		128406	130166	115565	119032	122603	126281	130069	133971	137990	142130	146394	
			Taxes Assessed		1374.67	1450.41	1372.65	1409.2	1417.92	1444.99	1528.49	1540.79	1898.37	1870.91	1918.66	0.013106

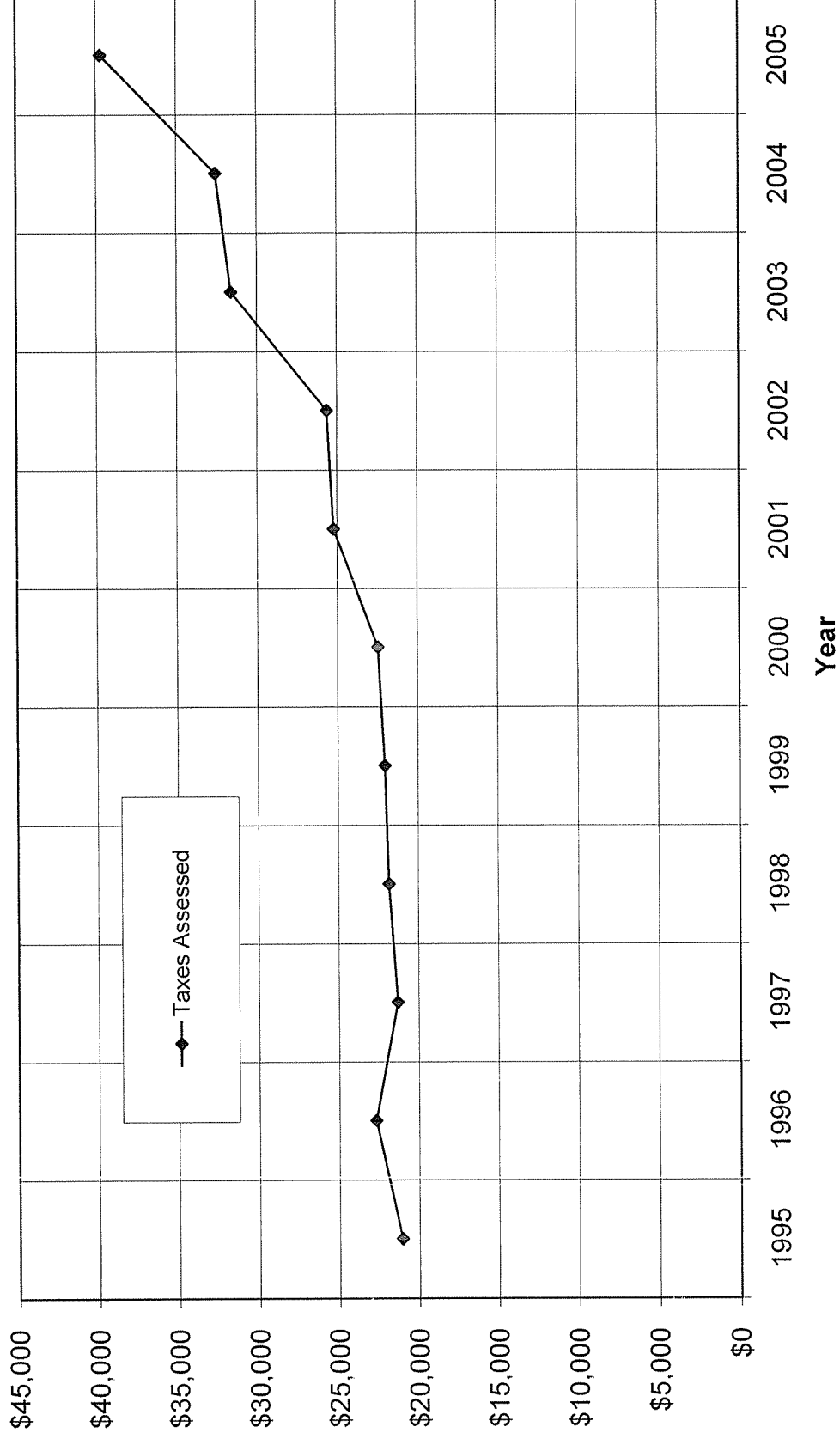
Sportsman Airpark, Newberg, Oregon

Existing Values of Land & Improvements in Airport District



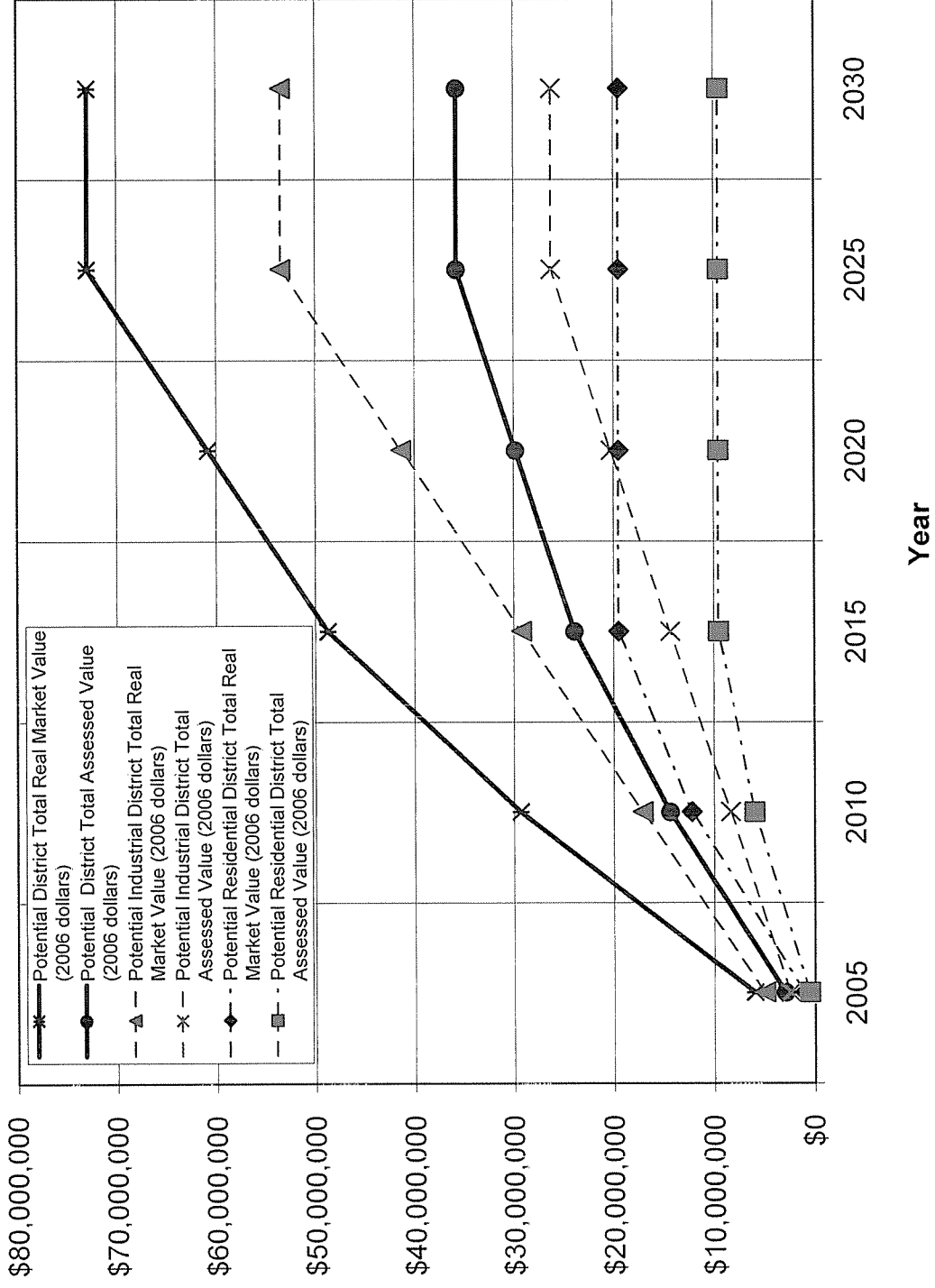
Sportsman Airpark, Newberg, Oregon

Existing Taxes from Land & Improvements in Airport District



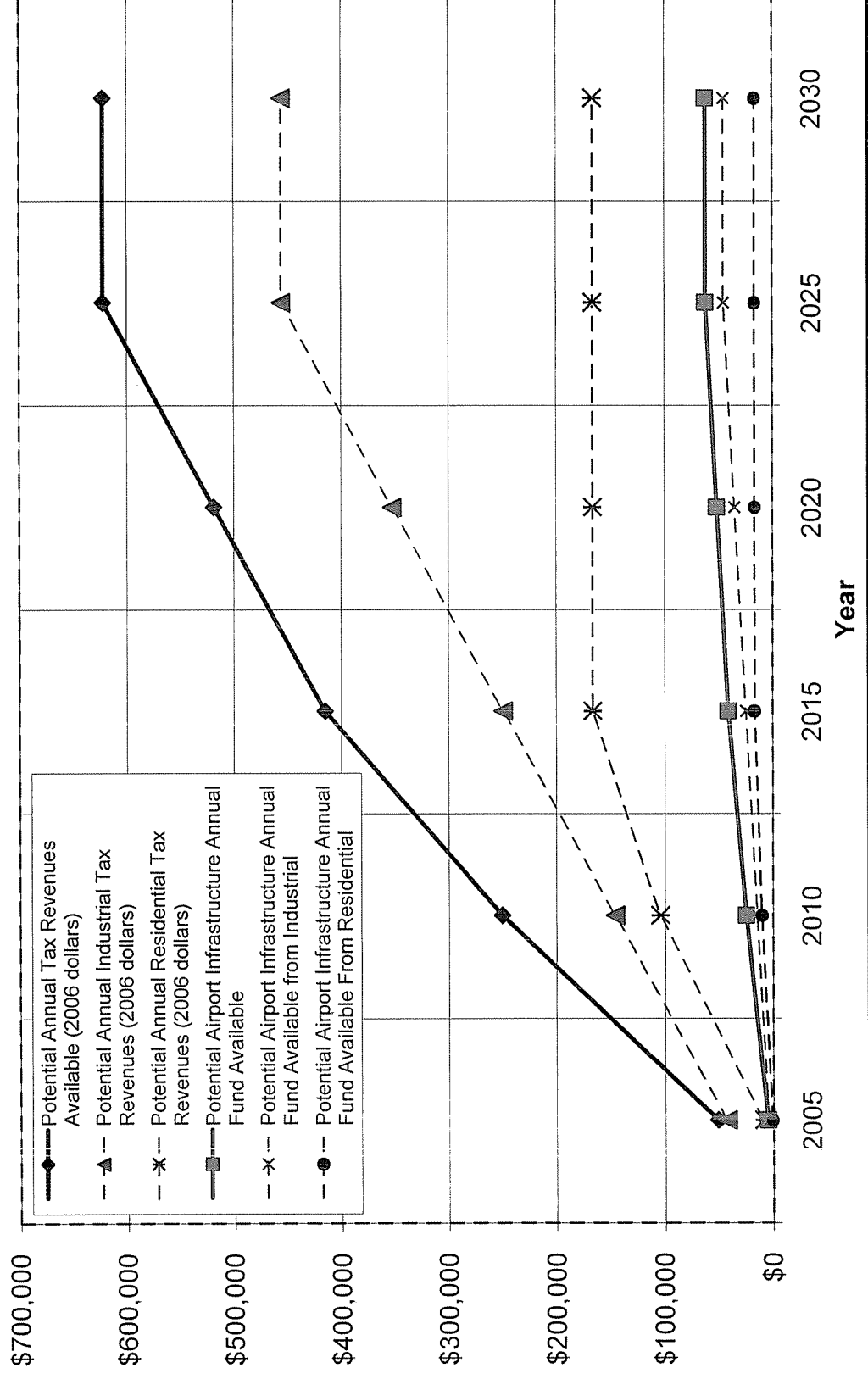
Sportsman Airpark, Newberg, Oregon

Potential Future Values of Land & Improvements in Airport District



Sportsman Airpark, Newberg, Oregon

Potential Future Values of Taxes in Airport District



Appendix E: FAA Correspondence and Airport Ownership Issues

Attached is the following information:

- Meeting with FAA Seattle Airports District Office, October 14, 2005, memo
- E-mail Discussion with FAA staff; October 24 & 19, 2005
- Letter from Airport Owner presenting ownership proposal
- Telephone discussion with FAA Headquarters Staff; April 15, 2005, memo
- FAA Airport Improvement Program Handbook, Chapter 7 Land Acquisition Projects
- FAA Airport Development Rights Pilot Program; August 17, 2004

PROJECT MEMORANDUM
SPORTSMAN AIRPARK

Meeting with FAA Seattle Airports District Office

October 14, 2005

This memo summarizes a meeting held from 2 to 4pm on October 14, 2005 at the FAA Seattle Airports District Office in Renton, Washington to discuss the potential for the FAA to assist in the future preservation, maintenance and/or development of Sportsman Airpark in Newberg, Oregon.

Attending were Wade Bryant, Bill Watson, Don Larson, David Roberts, Trang Tran (FAA Seattle Airports District Office), Dave Beam, Economic Development Coordinator, and Barton Brierley, Manager of Planning (City of Newberg), Jerry Dale (airport owner), and Aron Faegre (planning consultant).

The following issues were discussed:

1. Interest in Public Ownership: The City of Newberg has interest in preserving the airport so that it can serve as an important economic development and transportation element of the city's infrastructure. Without some form of public ownership or protection, the airport's land value for other uses (like a shopping mall) may lead to its demise, as is happening at many other privately owned airports around the US (such as Evergreen Airport in Vancouver, Washington). In this regard the City of Newberg would consider the possibility of taking ownership of the airport under an AIP grant or being the sponsor under the FAA's model program for purchase of airport development rights (Program Guidance Letter 04-5). The City likes that the airport is within its urban growth boundary.
2. Site Selection Study/Minimum Standards Required: The FAA would require that prior to funding the acquisition of Sportsman Airpark that a site selection study be performed to determine that such action would be the most cost effective way for the city to get an airport. The FAA funded and Don Larson managed just such a study of Sportsman Airpark 15 years ago (Airport Site Selection Study prepared for City of Newberg, March 1990) because of similar city interest. The study determined that it was very expensive to bring Sportsman Airpark up to some minimum standards acceptable to the FAA. It determined that a new airport out in the surrounding farm land would be less expensive to build. Unfortunately this didn't take into account that in Oregon this is virtually impossible to accomplish due to land use laws that protect farm land from non-agricultural uses such as airports. So the study didn't lead to any positive action as to an airport for Newberg.
3. Minimum Airport Standards for FAA Funding: A plan of the airport prepared by Faegre was reviewed. It appears to indicate that the airport currently has approximately 2400 feet of runway length plus 240 feet of runway safety and object free areas at each end. Bill Watson suggested that if the runway length could be increased to approximately 3000 feet, there would be some hope of the airport being considered eligible for meeting the basic FAA standards necessary for funding consideration. Don Larson noted that the airport can use 15:1 clear approaches for defining any displaced thresholds, which in turn is a factor in determining runway length. Through working with the City and neighbors, Dale has been eliminating tree

obstructions at both ends of the runway. The FAA had previously funded a photo obstruction survey of the airport (which Don Larson pulled out of his file for review by all present), and was pleased to know that this work was proceeding.

4. There is Some Potential for Meeting FAA Standards: Jerry Dale noted that ODOT's Newberg-Dundee Bypass road project is occurring at properties to the south of the runway, and there is a good possibility that the runway can be extended as part of that work. ODOT has gone on record as wanting the airport to stay, because it does not want the airport property to be developed for more intensive uses like a shopping mall, since that would create more auto and truck traffic not included in their plan. Dale, Beam, Brierley, and Faegre will do some analysis of this, including meeting with ODOT, to determine whether there is any hope in meeting these minimum criteria. That will be an initial element to determine whether the purchase option is realistic to even consider any further with a site selection study.
5. Funding Difficulty for Airport Development Rights Projects: A potential difficulty in using the airport development rights model program is that it may require that the funds come from the "state apportionment" portion in a one year period. Since Oregon only gets \$5.4 million how could this one project justify taking a large portion of that fund. Bryant agreed to contact headquarters and tell them that he may have an airport that would fit well with program if we can get some flexibility of how the funding works. He will advocate for Sportsman being in the program and will argue the case for creating some flexibility to make it work.
6. Long Term Responsibility for an Airport Development Rights Project: An additional important issue is that the development rights are "for ever." The City would need to realize that although the ownership would remain with Jerry Dale, some future responsibility would sit with the City should he not be able to keep the airport open. Faegre asked Bryant to try to find out the State agency (believed to be New Jersey?) that has already run this program on the state level. The state program has apparently been a great success, and it was on that basis that the federal program was initiated. It is believed that to date there are no airports yet in the FAA model program. The state agency may have answers to these kind of practical issues.
7. Next Steps: The City of Newberg will investigate the potential for extending the runway so that it can meet some minimum FAA airport standards and report back on its findings. That will determine whether the City purchase of the airport is worth studying in more detail. The City is most interested in options where the FAA will continue having involvement with the airport. As to the development rights option, The FAA will contact headquarters and attempt to find some flexibility for Sportsman Airpark to be accepted into the program and funded under other sources.

cc: Wade Bryant, Bill Watson, Don Larson (FAA), David Beam, Barton Brierley (City of Newberg), Jerry Dale (Sportsman Airpark).

Aron Faegre

From: Bill.Watson@faa.gov
Sent: Monday, October 24, 2005 6:49 AM
To: faegre@onemain.com
Cc: Don.Larson@faa.gov; Wade.Bryant@faa.gov; Trang.Tran@faa.gov; Dave.Roberts@faa.gov
Subject: Fw: Sportsman Airpark - Newberg

See response from Warren below.

Bill Watson
Seattle ADO
425-227-2658

----- Forwarded by Bill Watson/ANM/FAA on 10/24/2005 06:48 AM -----

Warren
Ferrell/ANM/FAA

10/21/2005 09:56
AM

Bill Watson/ANM/FAA@FAA

Don Larson/ANM/FAA@FAA, Wade
Bryant/ANM/FAA@FAA

Subject
Re: Fw: Sportsman Airpark - Newberg
(Document link: Bill Watson)

To

cc

Bill:

I have no idea who to contact within the State of New Jersey. However, I have found a website that Mr. Faegre can check to see where it leads.
<http://www.state.nj.us/transportation/commuter/aviation/>

The PGL 04-5.1 has Rick Etter, (202) 267-8773, as the subject matter specialist.

I have checked with my counterparts in the other regions, and, to date, no one has participated in the is program. There is a suspicion that the release of purchase rights and covenants may be too restrictive.

With respect to contacting their Congressional delegation, we have no problem with that.

Warren

Bill
Watson/ANM/FAA

10/21/2005 08:28

Warren Ferrell/ANM/FAA@FAA

To

AM

cc

Don Larson/ANM/FAA@FAA, Wade
Bryant/ANM/FAA@FAA

Subject

Fw: Sportsman Airpark - Newberg

Aron Faegre has more questions on the PGL on buying development rights at private airports. Could you please answer this questions. You can reply directly to him with a cc to myself and Don if you like.

Thanks.

Bill Watson
Seattle ADO
425-227-2658

----- Forwarded by Bill Watson/ANM/FAA on 10/21/2005 08:26 AM -----

"Aron Faegre"
<faegre@onemain.com>

To

Bill Watson/ANM/FAA@FAA

cc

10/21/2005 08:22
AM

"David Beam"
<david.beam@ci.newberg.or.us>,
"\"Jerry Dale\""
<jerry@sportsmanairpark.com>

Subject

RE: Sportsman Airpark - Newberg

Bill

Can you tell me who at headquarters is the expert on this program, now that Mark Beisse is gone? We can try to have one of our Senators check into the issue of changing the law.

Also, can you tell me who in New Jersey is the person who developed the program at the state level?

However, I think the City's first choice will be to try to get the runway extended to meet the minimum standards you described to us at the meeting.

Thanks for your help.

Aron

-----Original Message-----

From: Bill.Watson@faa.gov [mailto:Bill.Watson@faa.gov]
Sent: Wednesday, October 19, 2005 7:07 AM
To: Aron Faegre
Cc: Don.Larson@faa.gov; Wade.Bryant@faa.gov
Subject: RE: Sportsman Airpark - Newberg

Aron Faegre

From: Bill.Watson@faa.gov
Sent: Wednesday, October 19, 2005 7:07 AM
To: Aron Faegre
Cc: Don.Larson@faa.gov; Wade.Bryant@faa.gov
Subject: RE: Sportsman Airpark - Newberg



FAA 10-14b-05.doc
(37 KB)

I had Warren Ferrell in our Regional Office look into the headquarters PGL for buying development rights. He found out that the use of non primary entitlements and state apportionment only is specifically called out in the law. Therefore, FAA headquarters does not have the authority to change this to use discretionary money to purchase the development rights under the pilot program at Newburg. Congress would have to change the law.

Bill Watson
Seattle ADO
425-227-2658

"Aron Faegre"
<faegre@onemain.com>

10/18/2005 09:59
PM

Wade Bryant/ANM/FAA@FAA

Don Larson/ANM/FAA@FAA, Bill
Watson/ANM/FAA@FAA

Subject
RE: Sportsman Airpark - Newberg

To

cc

Wade

Here are some minutes of our meeting. Let me know if you wish to add or revise anything.

Aron

-----Original Message-----

From: Aron Faegre [mailto:faegre@onemain.com]
Sent: Thursday, October 13, 2005 7:40 PM
To: 'Wade.Bryant@faa.gov'
Cc: 'Sheila.DeWitt@faa.gov'; 'Renee.Hall@faa.gov'; 'Paul.Johnson@faa.gov';
'Carol.Key@faa.gov'; 'Don.Larson@faa.gov'; 'Suzanne.Lee-Pang@faa.gov';
'Karen.Miles@faa.gov'; 'Cayla.Morgan@faa.gov'; 'Bev.Newkirk@faa.gov';
'Dave.Roberts@faa.gov'; 'Sandy.Simmons@faa.gov'; 'Trang.Tran@faa.gov';

'Mary.Vargas@faa.gov'; 'Bill.Watson@faa.gov'; 'Jeff.Winter@faa.gov'
Subject: RE: Sportsman Airpark - Newberg

Wade

Here is a proposed agenda:

Sportsman Airpark (Newberg, Oregon) Discussion

2pm meeting in Renton with FAA Seattle Airports staff, City of Newberg staff (David Bean and Barton Brierley), airport owner (Jerry Dale), and Aron Faegre.

1. Sportsman Airpark is being offered for sale to City of Newberg 2. City of Newberg has some interest in taking ownership 3. Review AF memo of discussion with Beisse at FAA HQ concerning 2 options

- a) Outright Purchase of Land per AIP Handbook Section 708
- b) Airport Development Rights Program (Program Guidance Letter 04-5) 4. Review existing airport configuration drawing 5. Ask for Seattle Airports Staff support in considering this idea and assisting in funding it 6. Establish next steps

I'll call in morning to confirm our meeting plans. We hope to fly up but weather is a bit uncertain.

Aron Faegre

-----Original Message-----

From: Wade.Bryant@faa.gov [mailto:Wade.Bryant@faa.gov]

Sent: Tuesday, September 27, 2005 1:00 PM

To: Aron Faegre

Cc: Wade.Bryant@faa.gov; Sheila.DeWitt@faa.gov; Renee.Hall@faa.gov; Paul.Johnson@faa.gov; Carol.Key@faa.gov; Don.Larson@faa.gov; Suzanne.Lee-Pang@faa.gov; Karen.Miles@faa.gov; Cayla.Morgan@faa.gov; Bev.Newkirk@faa.gov; Dave.Roberts@faa.gov; Sandy.Simmons@faa.gov; Trang.Tran@faa.gov; Mary.Vargas@faa.gov; Bill.Watson@faa.gov; Jeff.Winter@faa.gov

Subject: RE: Sportsman Airpark - Newberg

Aron - good to hear from you - several are out this week but I'll go ahead and schedule you for 10/14 at 2:00. An agenda or any thoughts you can provide us before the meeting would be helpful. Thanks Wade

"Aron Faegre"
<faegre@onemain.com>

09/27/2005 10:24
AM

Wade Bryant/ANM/FAA@FAA

Bill Watson/ANM/FAA@FAA, Don
Larson/ANM/FAA@FAA

Subject
RE: Sportsman Airpark - Newberg

Wade

How about if we come up for a meeting with you in your office at 2pm on Friday October 14th?

Aron

-----Original Message-----

From: Wade.Bryant@faa.gov [mailto:Wade.Bryant@faa.gov]
Sent: Monday, September 19, 2005 7:52 AM
To: Aron Faegre
Cc: Bill.watson@faa.gov; don.larson@faa.gov
Subject: Re: Sportsman Airpark - Newberg

The last 4 days of FY 05 will not work for us and the first week of Oct. we will be at the OAMA, WAMA, IAMA conference in Cour d Alene. We could try for some time that will work for you after the first week in Oct. Wade

"Aron Faegre"
<faegre@onemain.com>

09/18/2005 12:53
PM

Don Larson/ANM/FAA@FAA, Bill
Watson/ANM/FAA@FAA, Wade
Bryant/ANM/FAA@FAA

To

cc

Subject

Sportsman Airpark - Newberg

Don, Bill, and Wade,

I had called several times in the past few months to ask whether we could meet with you to discuss the possibility of the City of Newberg becoming the owner of Sportsman Airpark in Newberg. I copied you on a memo from a telephone discussion with Mark Beisse as to two possible scenarios for that.

You had mentioned that you wanted to find the 15 year old report funded by FAA about Sportsman before the meeting. I did find a copy, and made a copy for you and sent it up a month ago with a request for a meeting.

Could we come up to meet with you on any of the following dates (times reflect departing Newberg, probably by small aircraft):

Monday, Sept. 26 - after 11 am

Tuesday, Sept. 27 - all day
Thursday, Sept. 29 - after 10:30
Friday, Sept. 30 - all day

Thanks

Aron Faegre
503-222-2546
503-880-1469 cell

(See attached file: FAA 10-14b-05.doc)

Concepts for City Ownership of Sportsman Airpark

Current owners will agree to sell runway/taxiway system, to include an area approximately 400 feet wide centered on the runway, to the City of Newberg.

City would apply for FAA funding for the purchase and improvements to runway (repaving, east side taxiway, lighting (including PAPI {Precision Approach Path Indicator})), 219-2nd St. safety improvements).

FAA guidelines require that purchase price be determined by a professional appraisal. The FAA currently requires that an airport sponsor pay a 5% match for any grants received. Current owners would agree to discount the price by 5% from the appraised value to cover the match.

Sportsman Airpark, Inc. would agree to manage the airport and perform routine maintenance of the airport for a period of 5 years. It would do this in lieu of payment of access fees to the runway.

To do more than routine maintenance, there are funds available from the State Department of Aviation for projects. Two current sources are "Financial Aid to Municipalities" or "FAM Grants". These are small grants of up to \$25,000 available for a wide range of purposes. The other is the "Pavement Maintenance Program", which is funded by 3 cents of the 9 cents per gallon state aviation gas tax. These programs are available to municipalities but not to private owners.

This is a conceptual plan and is, of course, open to some modification. I believe that it is a workable plan that would benefit all by creating an improved facility to serve the public into the future.

Jerry Dale



President,
Sportsman Airpark, Inc.

Sportsman Airpark: Land Use Zone Master Plan
Project Memorandum
Telephone Discussion with FAA Headquarters Staff

April 15, 2005

This memo summarizes a telephone discussion held with Mark Beisse, FAA staff member at Headquarters in Washington D.C. (202-267-8826) on April 15, 2005 concerning eligibility of Sportsman Airpark in Newberg, Oregon for FAA funds. Aron Faegre called Mark Beisse because he had downloaded information concerning the "Airport Development Rights Pilot Program" from the FAA web site, and had found that Beisse was listed as a contact. Faegre knew Beisse from 17 years ago when Beisse worked for the FAA Seattle Airports District Office and was FAA staff for the Portland Public Heliport relocation project, which Faegre was the planning and design consultant.

The following items were discussed:

1. Familiarity with Sportsmans: Beisse said he is very familiar with Sportsman Airpark because he was the FAA assigned planner for airports in Oregon, and he thinks he is the FAA staff that advocated putting Sportsman Airpark onto the NPIAS (National Plan of Integrated Airport System) list.
2. Current Airport Planning Project with City of Newberg: Faegre described the economic development project he is currently assisting the City of Newberg in accomplishing, under a grant from the Oregon Department of Economic and Community Development. It involves the possibility of rezoning land around the airport for aviation related industrial uses as a way of creating jobs and increased tax base for the community, as well as good use of the airport. One of the issues being discussed is whether the runway and taxiway might best be put into ownership of the City of Newberg so that the airport for planning purposes can be considered a more permanent part of the national airport system.
3. Airport Development Rights Program: Beisse described the program he is involved with as similar to one that is used in some states to preserve farmland rights. A public agency "buys" the development rights for putting a mall or some other use on the farm land, and thus makes the farm use a mandatory part of the title for the land. In the FAA program there are 18 bullet items that must be met by the owner of the airport and the sponsor (city, county, or state agency), in order for FAA funds to be used in the purchase of the development rights. Beisse said that there is a similar program which was developed by the State of New Jersey that is functioning quite well. However, to date, no one has applied for the FAA program, probably because the 18 points may be too burdensome. Faegre has downloaded the requirements and will review them. Beisse felt that Sportsman's would be an eligible airport for the program.
4. Option of Outright Purchase of Land: Faegre asked whether under the FAA's Airport Improvement Program Handbook, Section 708 "Land Acquisition at a Privately-Owned Public Use Airport," would the runway, taxiway, and some tiedown area be eligible for funding by the FAA for purchase by the City of Newberg? Beisse suspects that Sportsman's should be eligible under that section.

5. Importance of Meeting with Seattle Airports District Office: Beisse noted that it will be important to have discussions with the Seattle FAA office on these issues.
6. Using Airports as Economic Development Centers: Beisse said that he believes the FAA will be supportive of creative ways of using airports to promote economic development. Faegre described some of the current efforts at Oregon legislation to help this process, which include the idea of applying tax increment financing to an airport district, so that as the airport develops some of the funds can be put back to the airport for infrastructure development. Beisse said that years ago he wrote a paper promoting this kind of idea, and he feels the FAA will be open to discussing creative approaches like this.
7. Future for Small Airports: Beisse believes that the changes coming with "sat-nav", meaning the GPS satellite based navigation instrument landing systems will result in very great changes for public use of aviation, since fairly precise instrument approaches will be available to all small airports at little or no added cost. He also believes that over time the smaller airports will become more and more important to the public as new aircraft are designed to make better use of the smaller airports.

Memorandum by Aron Faegre / 4-15-05

attachments: Airport Improvement Program, Chapter 7 – Land Acquisition Projects, 11pp.
FAA Program Guidance Letter 04-5 w/Attachment 1, 9pp.

cc: David Beam, Barton Brierley, Jerry Dale

January 8, 2004

See 707
708 exp.

Airport Improvement Program Handbook



January 8, 2004

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

Chapter 7. Land Acquisition Projects

Section 1. Land Acquisition

700. General.

a. The acquisition of any interest in land is eligible when it is necessary for airport purposes, provided the land was acquired after the date of enactment of the Federal Airport Act, May 13, 1946. For reimbursement of land costs, see paragraph 310a(4).

(1) The cost of all real property acquired for AIP purposes shall be supported by a real estate appraisal and accepted settlement justification in accordance with Order 5100.37A, Land Acquisition and Relocation Assistance for Airport Projects, and in Advisory Circular 150/5100-17, Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects. These documents contain detailed coverage of the appraisal and acquisition of real property, and are expected to be used as complimentary guidance to Order 5100-38, Airport Improvement Program Handbook.

(2) The term "airport purposes", as used herein, refers to all aviation activities normally found on an airport. Although many infrastructure and construction elements are not eligible for AIP, the land they occupy would be eligible for acquisition.

(3) The term "necessary", as used above, is relative and need not be so narrowly applied as to limit land acquisition to the minimum presently required for the airport. The acquisition of any interest in land if it is necessary for future as well as current airport development purposes shall be encouraged based on reasonable projections contained in the latest airport master plan but, not to exceed 20 years of aeronautical need as determined by the FAA Airports Office.

b. The approved ALP serves as a primary basis for determining the areas of land necessary for the airport. Generally, land necessary for airport purposes includes the building areas, landing area, runway protection zones, approach areas, areas for noise compatibility, and offsite areas required for airport utilities, such as sanitary sewers, storm drainage, electrical power, and obstruction lighting facilities.

c. Eligible land acquisition will normally be fee simple; however, some lesser interest may be acquired if that interest is legally sufficient for the purpose of the grant. However, when the cost of a lesser interest approaches the cost of a fee simple interest, the acquisition in fee simple is encouraged. It may also include extinguishment of easements or other interests in land held by others, such as mineral rights, which interfere with or might adversely affect the development or operation of the airport.

d. Existing property lines and boundaries created by nature such as rivers and manmade development (highways, railroads, etc.) should be recognized in delineating areas of land to be acquired. There will be instances where it is prudent for a sponsor to acquire an entire parcel of land rather than a specific portion that is the minimum needed for airport projects, (such as where the entire parcel can be purchased for approximately the same price as the portion required for airport purposes). This excess land should be treated in accordance with Paragraph 702 of this Order.

e. Where a partial acquisition would leave the owner with an uneconomic remnant (defined at Title 49 CFR, Part 24.2 [1]), as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) the airport owner shall offer to purchase the remnant parcel in addition to the property needed. Uneconomic remnants may be incorporated into airport property as feasible, or disposed of in accordance with Paragraph 702 of this Order.

701. Land Acquisition for Current Airport Development.

The acquisition of land or any interest in land for current airport development is eligible when necessary for:

a. **Airside Development.** Runways, taxiways, associated safety areas, ramps, aprons, and the land adjacent to these facilities required by current standards for separation and clearance. In addition, land for ultra light operations at an existing airport is eligible when necessary for safety or capacity purposes and if the airport itself is eligible to receive grant funding.

b. **Protection of The Airport Approach Area.** The approach zones (including runway protection zone), horizontal, conical, and transitional zones at airports required to convey a right of flight. This also includes the right to remove existing obstructions and to restrict the establishment of future obstructions (See Chapter 5, Section 9). As used in this paragraph, zone means land lying under the appropriate Part 77 surface.

(1) **Runway Protection Zone (RPZ).** The sponsor should be strongly encouraged to acquire fee title to all land within the RPZ, with first priority given to land within the Object Free Area. See Paragraph 581. If the fee title acquisition is impracticable, an avigation easement is required. This easement must convey the right of flight with inherent noise and vibration below the approach surface, the right to remove existing obstructions, and a restriction against the establishment of future obstructions. Alternatively, for existing runways the RPZ may be subject to written agreements (rather than an easement) with a public agency, e.g. a State highway division, to control the use of land. The grant agreement must contain the special condition in Appendix 7, Paragraph J which obligates the sponsor to protect the runway protection zone.

(2) **Approach and Transitional Zones.** Land interest is eligible when acquisition is necessary to restrict the use of land in the approach and the transitional zones (the dimensions as cited in the applicable AC's) to activities and purposes compatible with normal airport operations as well as to meet current and

anticipated development at the airport. Unless there is a need for the land for future development or noise compatibility purposes, sponsors should be encouraged to acquire the minimum property interest necessary to ensure safe aeronautical use. For approach zones, except for noise compatibility, fee simple acquisition beyond 5000 feet from the end of the existing or proposed primary surface will not normally be eligible.

(3) Protection of Horizontal and Conical Surfaces. Normally zoning will be adequate to provide the necessary rights and protection above the entire horizontal and conical surface. In any case, where an easement or fee title acquisition is needed to provide such rights, special justification should be included in the project file to document such need.

c. Landside Development. Items include airport terminal and administrative buildings; hangars; equipment buildings; fixed base operator buildings; and other airport buildings needed in connection with the operation and maintenance of the airport. The building area also includes the tie-down area, transient parking apron, automobile parking, access roads, and walks. Land acquisition specifically for development of industrial or nonaeronautical commercial building areas is ineligible.

d. Navigational Aid Facilities. Land may be acquired for the installation, operation, and maintenance of a Sponsor owned navigational aid or another aid (including a precision approach system) used by aircraft for landing at or taking off from the airport, whether located within or outside of the airport boundary. Also, a relocation site may be acquired for an air traffic control tower and any NAVAIDs (including radar) if the relocation is required by eligible airport development and if the sponsor is responsible for such relocation. (See Paragraph 305.)

e. Installation of Airport Utilities. Right-of-way for drainage, sanitary sewers, storm water runoff, utility lines, etc., that are located outside the airport boundary.

f. Mitigation of Airspace Conflicts. The resolution of a conflict caused by the proximity of two or more airports, which cannot be resolved by an acceptable operational or design alternative. Allowable costs for resolving such conflicts are limited to the lesser of the following:

(1) The appraised value of acquisition of any easement or of placing a restrictive covenant on the property necessary to permit full development and use of facilities eligible for AIP grants-in-aid. The value of the easement or restriction must be based on appraisals using the Before-and-After Method as described in Paragraph 2-21, Order 5100.37A.

(2) An amount equal to the difference in cost between fee simple acquisition of the property and the resale of the property at full market value after imposition of appropriate restrictions to allow airport development. If this method is used, the sponsor should be cautioned that the Uniform Act may apply, depending upon the sponsor's acquisition techniques. Also, the grant may not include any provision for directly paying sponsor costs of fee simple acquisition.

702. Treatment of Unneeded Real Property.

Normally, AIP funds may be used to pay the Federal share of the cost of acquiring only such land as is needed for airport or noise compatibility purposes. However, where the sponsor must acquire a tract of land in excess of airport needs and where the land or improvements will be immediately disposed of, the grant may be based on the full value of the parcel, including that part which is excess. The net proceeds from the sale shall be deducted from the grant amount before project closeout. In those cases in which the sponsor does not intend to sell the excess property immediately after acquisition, the amount of the purchase price attributable to such property shall not be included in the grant. If, after having originally selected the option of immediate disposal, the sponsor elects after grant award to retain any property for nonaeronautical purposes, the amount attributable to that property retained shall be deducted from the grant.

703. Retention of Excess Land for Noise Purposes.

Where the sponsor must acquire a tract of land for airport development and a portion of the tract is in excess of airport development needs and that portion is to be retained for noise purposes, the excess land must meet the requirements contained in Chapter 8, Section 2.

704. Relocation and Real Property Acquisition Assurances.

For projects that involve the acquisition of real property or which result in the relocation of any person or business, the sponsor must satisfy certain requirements of the Uniform Act and the implementing DOT regulations contained in Title 49 CFR, Part 24. Information on these requirements is contained in Order 5100.37A, Land Acquisition and Relocation Assistance for Airport Projects, and in Advisory Circular 150/5100-17, Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects. These assurances are required both for all FAA assisted projects and programs where acquisition or relocation is required or contemplated, and for projects to reimburse the sponsor for prior acquisition or relocation.

705. Land Acquisition for Future Airport Development.

a. General. Acquisition of land for future airport development is eligible if it is based on reasonable projections of aeronautical need as determined by the FAA Airports Office. "Future development" is considered to be the development of a facility more than 5 years after acquisition. A sponsor may consider such land acquisition in planning a new airport or in the orderly development of an existing airport. Justification for use of current AIP funding for long term land needs must be documented, taking into consideration such factors as rising land costs, encroachment on available land by incompatible uses and development, and the probable unavailability of land for airport use in the future. The property acquisition must conform to Uniform Act requirements and persons displaced shall be provided relocation assistance and payments as prescribed. The acquisition of land for future airport development must meet the requirements of the National Environmental Policy Act (NEPA) of 1969, as implemented by the current versions of FAA Orders 1050.1 and 5050.4.

b. Requirements. No project to acquire land for future development of a proposed airport shall be approved unless the following requirements have been satisfied:

- (1) There is a valid aeronautical need for the land;
- (2) The site selected has been approved by the FAA;
- (3) Airspace clearance for the site has been granted;
- (4) There is an approved airport layout plan; and
- (5) Environmental concerns have been identified and addressed in accordance with NEPA.

c. Special Conditions. The grant document shall include the special conditions specifically drafted for projects that include land as contained in Appendix 7, Paragraph K.

d. Land Banking and Purchase of Land Options. Studies of the concepts of "Land Banking" and "Purchase of Land Options" were conducted to determine if there were conditions and procedures that enabled acquisition of land needed for future airport development in the current time frame. The 1977 study of land banking assesses the potential to ensure the future availability of land for airport development. A study of the purchase of land options was completed in 1997. That study summarized some of the findings and conclusions of the land banking study. It then evaluated the concept of purchase of land options as used in the private sector with a view toward adapting the concept to Federal projects. It provides a comprehensive overview of the use of land options, with an emphasis on terminology used in the commercial real estate arena. The study also summarizes Federal experience with advance purchase of land for future development. The study concludes that the concept of purchase of land options may have limited usefulness in the Federal sector. The study is available on the APP-500 web site at the following address:

706. Land Acquisition for Noise Compatibility.

a. General. The acquisition of, or interest in, land to ensure that such land is used only for purposes compatible with the noise level of the airport is eligible provided:

(1) It is a noise compatibility program measure approved by the FAA pursuant to FAR Part 150;

(2) It is reimbursement for noise land acquired through FY 1986 or it was a noise compatibility project included in a multi-year grant that was entered into prior to FY 1987. In either of these cases, the project must have been an element of a noise compatibility program determined by the FAA to be substantially consistent with the purposes of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses under Title 49 U.S.C., Section 47504(c)(2)(c).

(3) It is required as a mitigation measure in an environmental document for airport development upon which approval of the project is conditioned.

b. Areas below DNL 65 dB. Airport sponsors may determine that local circumstances warrant land acquisition for noise compatibility, including noise buffers, in areas of moderate noise exposure (i.e., either between DNL 65-60 dB or between DNL 65-55 dB). Such acquisition is eligible when supported by appropriate documentation from the sponsor and approved in a Part 150 program or FAA environmental document. Contact APP-600 for assistance in advising sponsors on documentation. The funding priority for land outside DNL 65 dB is lower than for land subject to significant levels of noise exposure.

c. AIP/PFC Program Disparity. PFC eligibility differs from AIP eligibility. To be eligible for PFC, a noise mitigation project must be located in an area adversely impacted by noise and the proposed mitigation must be eligible for approval as a noise compatibility measure under Part 150 if it were so submitted. However, PFC funded projects do not have to be submitted to FAA in a Part 150 program and do not have to receive Part 150 approval. Where a project is not in an approved Part 150 program, FAA requires a sponsor to provide documentation demonstrating that the project will accomplish a noise mitigation purpose that would be eligible for approval under Part 150. The eligibility of the proposed noise project must be supported by noise contours that could be prepared in conjunction with a Part 150 study, environmental document, or other suitable planning analysis. Noise mitigation in areas of moderate noise exposure below DNL 65 dB is also eligible, as with AIP.

707. Acquisition of a Private Airport by a Public Sponsor.

a. General. The acquisition of a private airport by a public sponsor will normally include acquisition of lands already developed as a privately owned airport and of all structures, fixtures, and improvements constituting a part of the realty. A public sponsor, when purchasing an existing privately owned airport, normally acquires all land owned and used for the airport. To do otherwise would encourage "through the fence operations."

b. Highest and Best Use - As an Airport. The value of structures, lands, or other development, which would be ineligible for inclusion in a construction or land acquisition project under the AIP, may not be included in the grant amount when the appraisal is based on the highest and best use as an airport.

c. Highest and Best Use - Other than an Airport. If the basis of an appraisal is the highest and best use other than as an airport, the grant may be based on the entire appraised estimate of value.

d. Legal Review. A legal review shall be made of the agreement of sale to ensure that the sponsor can carry out all of the grant obligations. Particular attention should be paid to any on-going agreements with former owners.

708. Land Acquisition at a Privately-Owned Public Use Airport [2].

a. Eligibility of Land. The eligibility of land acquisition at privately owned public use airports is limited to that land necessary for landing areas (including helipads), taxiways, aprons, associated safety areas, and runway protection zones or land necessary to improve safety. A private sponsor can only acquire land needed for AIP eligible development.

b. Ineligibility of Land. The acquisition of land for an entire airport for a private sponsor is ineligible.

c. Full Disclosure. The sponsor must provide full disclosure of any prior interest it may have had in any land proposed for acquisition. Where such interest exists or existed, the FAA Airports Office should contact APP-520 for guidance.

709. Land Acquisition from a State/Local Public Agency.

The FAA Airports Office shall determine that land acquired from another public agency is, in fact, a bona fide sale to the sponsor, and that such land was not transferred merely for the purpose of making the land eligible for Federal Funding. This pertains to purchase from another public agency and not donation. Donated land valuation is covered in Chapter 3.

Section 2. Title and Property Interest

710. Title Requirement.

Title 49 U.S.C., Section 47106(b)(1) states that no project grant application for airport development may be approved by the Secretary until the Secretary is satisfied that the sponsor, a public agency, or the United States Government holds good title to the areas of the airport used or intended to be used for the landing, taking off, or surface maneuvering of aircraft, or gives assurance to the Secretary that good title will be acquired.

711. Title for Landing and Building Areas.

a. General. Title with respect to lands to be used for landing area or building area purposes can be either fee simple title (free and clear of any and all encumbrances), or title with certain rights excepted or reserved. Any encumbered title must not deprive the sponsor of possession or control necessary to carry out all obligations under the grant. A deed containing a reversionary clause, for "so long as the property is being used for airport purposes", does not negate good title provided the other conditions are satisfied. Where rights excepted or reserved would prevent the sponsor from carrying out its obligations under the grant, such rights must be extinguished or subordinated prior to approval of the project.

b. Airport Property Subject to a Mortgage. The existence of a mortgage on the airport property, in and of itself, is not a sufficient reason to render such project ineligible. However, the sponsor's ability to meet the principle and interest payments on the mortgage must be determined prior to the approval of the project.

c. Lease of Aeronautical Land. Privately owned public use airport sponsors that qualify for Federal funding under AIP must own the landing and building areas and may not be a lessee of land for aeronautical purposes. In those instances where the public sponsor's title consists of a long-term lease, such title is satisfactory provided the following conditions are met:

(1) If the landing area is leased, the lessor must be a public agency;

(2) The sponsor has a long-term lease (minimum of 20 years from the date of the grant) to all landing areas and building areas;

(3) The lease contains no provision which prevents the sponsor from assuming any of the obligations

of the grant agreement; and

(4) That consideration for the entire lease is paid in advance. However, this condition may be waived if the sponsor has adequate financial resources to assure future lease payments.

712. Title for Off-Airport Areas.

Property interests required in off-airport areas (See Paragraph 303) must be sufficient to assure that the sponsor will not be deprived of its right to occupy and use such lands for the purposes intended.

713. Determination of Adequate Title.

A certification by a sponsor that it has acquired property interests required for a project may be accepted in lieu of any detailed title evidence (See FAA Order 5100.37A Paragraph 3-13) and need not be submitted to the Regional Counsel unless the regional Airports Division Manager considers legal review necessary. Without such certification, the sponsor's submission of title evidence must be reviewed to determine adequacy of title. The adequacy of such title is an administrative determination made by FAA Airports Office personnel and need not be submitted to Regional Counsel for review unless there is reason to suspect title is not adequate.

714. Title Requirement prior to Notice to Proceed.

Authorization for the sponsor to issue a notice to proceed with construction work should not be given until it has been determined that all required property interests on which construction is to be performed have been or will be acquired in conformance to the Uniform Act and that comparable replacement dwellings have been made available to persons displaced from their homes. The Sponsor Uniform Act Certification and Certification of Title may be accepted in making these determinations and should be provided to the FAA prior to notice to proceed being issued (See Chapter 9 of AC 150/5100-17). See Paragraph 1203 for more information.

715. - 719. Reserved.

Section 3. Land Costs

720. General.

The purchase price or cost of land, including justified administrative settlement amounts (See FAA Order 5100.37 for acceptable criteria) and costs incidental to the acquisition of any property interest necessary for airport purposes including appraisal costs, is allowable provided such costs are necessary and reasonable in amount. Sponsor costs for obtaining title insurance for lands it purchased are not allowable. The sponsor shall maintain adequate documentation to support costs as eligible for Federal reimbursement. A documentation checklist and quality control guidelines are provided in AC 150/5100-17.

721. Relocation Cost.

a. General. The cost incurred by the sponsor to meet the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is eligible for Federal assistance as project costs except that the Federal share of the cost incurred by the sponsor of providing payments and assistance under the Act from January 2, 1971 through June 30, 1972, is 100 percent of the first \$25,000. (See Order 5100.37A.) Also, see Appendix 7 for special conditions for land in projects.

b. Examples of Relocation Costs:

(1) Moving expenses;

(2) Reestablishment expenses;

- (3) Replacement housing payments;
- (4) Rent supplements;
- (5) Down payments;
- (6) Mortgage interest differentials or mortgage buy downs;
- (7) Incidental expenses in connection with the acquisition of replacement housing;
- (8) Advisory services; and
- (9) Preparation of feasibility studies and relocation plans.

722. Reimbursement for Land Previously Acquired.

a. For public sponsors the grant shall be based on the value of the land at the time it was acquired by the sponsor. Where it is necessary to substantiate the reasonableness of cost of land previously acquired, an examination of the facts surrounding the transaction should be made. If the sponsor, at the time of acquisition, did not obtain and use appraisal reports, a historical appraisal shall be prepared. For private reliever sponsors AIP funds may be used to reimburse at the current fair market value for land acquired prior to receipt of a preapplication.

b. Title 49 U.S.C. provides a special rule regarding the valuation of land contributed by the sponsor of a privately owned reliever airport. Unlike public sponsors, owners of eligible privately owned reliever airports receive current fair market value for land contributed (not donated) to a project as the sponsor's share. Title 49 U.S.C., Section 47109(c) provides that a privately owned reliever airport that contributes any lands, easements, or rights-of-way to carry out a project under AIP is permitted to credit the current fair market value of these property interests toward the non-Federal share of allowable project costs. Public sponsors, however, continue to receive credit based on the cost or value at the time of acquisition. The methodology for applying this provision is unchanged from that set forth in Paragraph 353, except that, for a project at a private reliever airport in which land is contributed in lieu of cash for the local share, the basis for the value of the land must be based on the current fair market value. Such claims of valuation should be supported by recent credible appraisals. Land contributed to a project, whether by a public or private sponsor, is subject to Assurance 31 should the sponsor propose to dispose of the land.

(1) The background on the evolution of the current policy for valuation of previously acquired land is provided below.

(a) A letter was written to Congress on behalf of a privately owned reliever airport owner's concern for the way the Federal Aviation Administration was handling land reimbursement policy at private reliever airports, and in particular, his. His contention was that he was donating land for the airport development project and therefore should be able to claim current fair market value. He also contended that we were treating private and public relievers differently.

(b) An evaluation of his assertion resulted in the conclusion that he was confusing two distinct and separate matters related to land. He consistently referred to donated land in his letters to his Congressman. In his case, he was not dealing with donated land, which would entail a gift from another party. Instead, he was dealing with the issue of using previously acquired land as the sponsor's matching share for a new Federal grant.

(c) The policy, in effect at the time, on the use of previously acquired land was based on legislation contained in Title 49 U.S.C.. Specific language in Title 49 U.S.C., Section 47110(c) outlines eligibility of certain prior costs as allowable costs in a new grant. The costs of formulating a project, including costs incurred after May 13, 1946, to acquire interests in land, may be included in a grant associated with the project. It should be noted that this section provides no authority to base the grant amount on other than the actual costs incurred by the sponsor, or to reimburse any land acquisition costs incurred on or before May 13, 1946.

(d) This provision, as it applies to public airports, has been in effect since 1946, the first year of Federal grant programs for airports. Under this provision, a sponsor may include the cost of all or a portion of previously acquired land in a project grant application. The grant is then issued, in effect, for a project in which land acquisition and construction costs are combined, and the grant amount is based on the Federal share of the combined allowable costs. When the cost basis of such land equals the sponsor's share of total project costs, the sponsor need contribute no cash toward the construction costs of the project. For example, in a project with construction costs of \$90,000, the inclusion of \$10,000 in previous land acquisition costs would result in combined project costs of \$100,000. With the Federal share set at 90 percent of allowable project costs, the AIP grant would be \$90,000 and the sponsor would not need to make any additional cash contribution.

(e) When legislation was enacted establishing the eligibility for AIP grants at private reliever airports, FAA did not apply the provision for reimbursement of prior land acquisition costs to privately owned airports. This, however, did not preclude the use of AIP grant funds to acquire additional development land where needed at a private reliever airport.

(f) A 1994 conference report directed the FAA to determine if private relievers should be treated differently in regard to the valuation of land they used in a project. The inference was that the land had been relatively worthless before being developed as an airport, and to use that value would not provide the sponsor the ability to maximize his return on the increased value of the land as an airport. It was found that the improvements to the land and the valuable contribution of the airport to the Nation's aviation system were not being recognized. However, there was no authority under Title 49 U.S.C., Section 47110 to revise the policy of land valuation for private relievers.

(g) The FAA's response to Congress identified rationale for interpretation of legislative intent being applied to valuation of previously acquired land.

1. Most of the 3,400 airports in the FAA's National Plan of Integrated Airport Systems are small publicly owned facilities, and, as at private airports, funds for the matching share on Federally assisted projects are extremely limited. Using the cost of previously acquired land allows a sponsor, public or private, to obtain a grant for an important project without a cash outlay for the sponsor's share. Public owners have always been reimbursed for previously acquired land based on their actual acquisition costs. The same provision, at that time, was being applied to private owners.

2. The authority provided in Title 49 U.S.C., Section 47110(c) to reimburse an airport sponsor for project formulation costs incurred after May 13, 1946, including costs to acquire land or interests in land for airport development, refers to costs incurred. This section sets forth an exception to the more general provision in Section 47110(b) that likewise defines allowable costs in terms of costs incurred. The FAA found no statutory basis for reimbursing a sponsor for an amount other than its actual costs incurred. Thus, in the example noted above, no basis in law could be found for valuing the land at any amount other than \$10,000 for determining total project costs or actual local share.

(h) Based on the findings by FAA, Congress acted to clarify their intent in relation to private reliever airports. Section 1211 of the Federal Aviation Reauthorization Act of 1996 amends Section 47109 to change the way land reimbursement is treated when a privately owned reliever airport uses a portion of existing airport land for use in a project to cover the non-Federal share. The current fair market value, instead of the fair market value at time of acquisition, is now to be used to determine the value of the land included in the project.

(i) This change results from our findings during the past several years that the private relievers should be treated no differently than public relievers and legislation would not permit any other method. Although this change validates our previous eligibility determination for valuing land included in an airport project, we must now treat public and private reliever airports differently.

c. There have been suggestions that in the past we may have allowed some private reliever sponsors to obtain current fair market value for land they included in projects. We believe this may have resulted from a misinterpretation of the terms "donation" and "reimbursement". If it is found that an error was made through confusion of terms, the fact should be documented in the project folder. It is not likely that recovery of excess funds would be feasible or possible. That fact should also be noted in the folder.

723. Land Acquired through Condemnation.

The cost of land or property interest established by the courts in a condemnation proceeding may be accepted as a reasonable cost, even though above current appraised value. However, if the FAA has reason to believe that the court award is excessive, the sponsor should be requested to appeal the award. While infrequent, there have been cases where the amount of the original award has been reduced on appeal because it was found to be excessive and unreasonable. There have been other cases where the condemner, after withdrawing from the proceeding because of excessive amount of the award, obtained the land involved by negotiation or subsequent condemnation at a lower price. Attorney fees, interest, and other incidental expenditures included in a court award to land owners in a condemnation action may be included as project costs.

724. Land Exchange.

The acquisition of land required for the airport, through the exchange of other land owned by the sponsor, constitutes an eligible project cost. In such cases, the value of the sponsor-owned land will be determined in the same manner in which the value of donated land is established. In the case of a donation (See Paragraph 351), the maximum value eligible for Federal participation is the fair market value at the time the property was conveyed to the sponsor, as determined by an independent historical appraisal in accordance with Paragraph 722. Therefore, if the sponsor acquires property from some third party through the exchange of other property it owns, it may seek reimbursement from the FAA for the appraised fair market value of its property with a date of value as of the time that property was originally conveyed to it.

725. Land Leases.

Lease payments in the form of periodic rental payments for use of land owned by another public agency are considered to be operating costs and are not eligible. However, prepaid rent, which is payment in full in advance for the full term of the lease, is eligible. The pre-paid rent should reflect the present value of the rent payments not to exceed the current fair market value of the real property leased.

726. Nonallowable Land Costs.

See Paragraph 311.g. for limitation on interest charges related to land acquisition. Land costs should exclude payments that exceed entitlements prescribed in Title 49 CFR, Part 24 and for items generally held to be non-compensable in eminent domain (e.g. compensation for loss of business, goodwill, frustration of development plans, and applicable limitations as described in the Uniform Appraisal Standards for Federal Land Acquisitions available on the Department of Justice web site at the following address: <http://www.usdoj.gov/enrd/land-ack>). DOJ appraisal standards are used to describe the compensable limits.

Some of the provisions of the DOJ appraisal standards do not apply where the state or local government is taking title, and only apply when taking title in the name of the USA and having condemnations in US Courts. The FAA appraisal standards conform to Title 49 CFR, Part 24.103 and are described in FAA Order 5100.37A, Land Acquisition and Relocation Assistance for Airport Projects, and in Advisory Circular 150/5100-17, Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects. Consult APP-600 for other suspected nonallowable land costs.

727. - 729. Reserved.

Section 4. Disposal of Unneeded Land

730. Disposal of Land.

Land that initially had an aeronautical purpose, but is no longer needed for such purpose, shall be disposed of in accordance with Order 5190.6A and such proceeds shall be handled in accordance with Assurance 31, Disposal of Land. That portion of the proceeds retained by the airport is considered airport revenue, subject to the requirements of Title 49 U.S.C., Sections 47107(b) and 47133.

731. Uses of Airport Revenue.

a. Title 49 U.S.C., Section 47133 Requirement. Under Title 49 U.S.C., Section 47133 sponsors must provide assurance that all revenue generated by their airport, if it is a public-owned airport, will be expended for the capital or operating costs of the airport, the local airport system or other local facilities which are owned or operated by the sponsor and directly and substantially related to the actual air transportation of passengers or property. This requirement appears as Assurance 25 in the Assurances for Airport and Planning Agency Sponsors though it does not apply to planning projects.

b. Exceptions to Title 49 U.S.C., Section 47133 Requirement. Title 49 U.S.C., Section 47133 does not apply to planning agency, private, or nonairport sponsors. Additionally, the section itself contains language exempting certain sponsors from this limitation and "shall not apply if a provision enacted not later than September 2, 1982, in a law controlling financing by the airport owner or operator, or a covenant or assurance in a debt obligation issued not later than September 2, 1982, by the owner or operator, provides that the revenues, including local taxes on aviation fuel at public airports, from any of the facilities of the owner or operator, including the airport, be used to support not only the airport but also the general debt obligations or other facilities of the owner or operator." AAS-400 should be consulted for assistance in making determinations on the applicability of the exemption in particular cases.

c. Guidance on Airport Revenue. Additional guidance on acceptable uses of airport revenue can be found in Federal Register Notice, Policy and Procedures Concerning the Use of Airport Revenues, Volume 64, Number 30, Tuesday, February 16, 1999.

732. - 799. Reserved

[1] uneconomic remnant. The term "uneconomic remnant" means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which the airport sponsor has determined has little or no value or utility to the owner. [\[Return to Paragraph 700 e.\]](#)

[2] As defined in Paragraph 208. Private Airport Owners. This may be an individual, a partnership, corporation, etc., that owns or operates a reliever airport or a public use airport that receives scheduled passenger service of aircraft which enplane annually 2,500 or more passengers. [\[Return to Paragraph 708\]](#)

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U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Subject: **ACTION:** Program Guidance Letter 04-5

Date: Aug 17, 2004

From: Manager, Airports Financial Assistance
Division, APP-500

Reply to
Attn. of:

To: PGL Distribution List

04-5.1 Airport Development Rights Pilot Program – Rick Etter (202) 267-8773
and Mark Beisse (202) 267-8826.

Section 152 of Vision 100 adds a section 47138 to Title 49, United States Code, which is a pilot program for buying development rights at 10 privately-owned airports that are open to the public to preclude loss of the property as a public airport.

Purpose of the Pilot Program

This PGL sets forth the process for selecting pilot program airports and sponsors to address the issue of buying development rights to preserve a public-use airport. For purposes of this PGL, a "public-use airport" is a privately-owned airport open to the public. The requirements of 49 USC 47102(17) that the airport is a reliever or has scheduled passenger service do not apply since this provision identifies public-use airports eligible for planning and development. For purposes of this PGL, sponsors are pilot program grantees buying development rights from private airport owners to preserve public-use airports.

The development rights for purposes of this guidance apply to property interests in a complete airfield or those combined parcels that collectively allow it to serve as a privately-owned public-use airport. The meaning of "public airport" for purposes of this PGL does not include the requirement of 49 USC 47102(16) that the airport is under the control of a public agency. This PGL should not be applied to projects for the purchase of property interests exclusively within selected areas of an airport such as runway protection zones.

The pilot program will evaluate procedures needed to purchase future development rights while ensuring objectives of the aviation community are met. The concept has substantial potential since currently 1,154, or 22 percent, of public-use airports within the United States are privately-owned.

Definitions

For purposes of the airport development rights pilot program, the definitions below apply.

1. "Airport development rights" are the rights of the private owner to develop the airport land for non-aeronautical use or for uses for other than supporting the airport or enhancing convenience of the aviation activities. In other words, the rights to be acquired under the pilot program – when acquired – would prevent the airport from being used for other than airport purposes.
2. "Instrument recording the purchase of development rights" is the document evidencing the purchase of the airport development rights by the sponsor, and the easement or covenant given by the owner that the airport shall remain a public-use airport in perpetuity. The instrument must include provisions specified in this PGL and be recorded in the local registry of deeds and land transfers.
3. "Owner" means the private entity that owns the airport. The owner may operate the airport. However, the owner could arrange for operation of the airport by written agreement with another party.
4. "Sponsor" means the State or political subdivision of a State that as the public agency sponsor receives a grant for an airport development rights project. (The meaning for purposes of this PGL includes no private owner of a public-use airport as allowed under 49 USC 47102(19)).

What is Purchase of Development Rights?

The intent of the FAA in administering this pilot program is to encourage the sale of airport development rights that would contribute to the safe and efficient use of airports. The sponsors and owners must follow provisions of this PGL to be considered for the pilot program.

The purchase of development rights (PDR) may involve most airports open to the public that are under private ownership. The law permits sponsors to use any apportionments to fund a PDR. However, as a practical matter, only State apportionments or non-primary entitlements may be available to the sponsor. Contact APP-520 prior to recommending proposals involving a passenger or cargo entitlement airport for the pilot program.

The pilot program will evaluate the PDR instead of the purchase of fee simple interests for the airports. The airports may be threatened by pressure to convert airport land for higher value land development (e.g. residential, commercial or industrial use). PDR will compensate an owner for the sale of their development

rights to prevent such development and require continued airport use of the property.

The owner would convey to the sponsor the development rights and a permanent easement or similar restrictive covenant that ensures the continued public airport operation in perpetuity. The easement conveyed must “run with the land,” must be enforceable against the current owner and assigns, future owners and any other current or subsequent interest in the real property, and must be recorded as an interest in or encumbrance on the property under local law.

The owner may be compensated for the market value of the development rights sold based on an acceptable “before and after” appraisal. Under this appraisal method the market value of the development rights conveyed is appraised at the difference between the market value of the property for continued airport use and the current market value of the property for some other development. See Order 5100-37A and Advisory Circular 150/5100-17 for guidance on “Before and After” appraisals.

Any proposed PDR grant at an airport would not necessarily change the eligibility to allow other AIP projects that are otherwise ineligible.

Pilot Program Selection Criteria

Sponsors and owners proposing a PDR project will be selected for participation in the pilot program based on the criteria below.

Sponsor:

- The sponsor must provide a resolution of the legislative body authorizing its representative to file an application.
- Sponsors do not need to own airport development. However, the sponsor must provide, upon request, an opinion by its attorney indicating that it is legally capable of receiving a grant and accepting airport development rights.
- FAA should determine the sponsor to be able to comply with statutory and administrative requirements within standard grant assurances in the event it may receive future AIP assistance for airport development or acquisition. The potential AIP funding would obligate the owner or sponsor to continue airport operation until grant obligations expire. Therefore, to avoid duplicate funding or excess compensation, PDR grant amounts may be subtracted from future AIP grants.
- Sponsors must be determined to have procedures for requesting a release from the FAA approving any subsequent transfer or disposal of

development rights bought under the pilot program if that is found to be in the public interest by the FAA.

- The sponsor must be determined by the FAA to be capable of financing, operating and maintaining the airport in the event it becomes obligated to do so.

Sponsor and Owner:

- An airport property map (Exhibit A) must support the proposal. The Exhibit A should describe the existing land and development subject to the agreement. The sponsor and owner must approve the Exhibit A.
- The project will be processed in accordance with all policies and procedures applicable for airport acquisition in fee simple. However, standard grant assurances will be omitted, and the Federal share must be not greater than 90 percent of the project costs involved with the PDR.
- Proposals must include an adequate real property conveyance instrument for recording the PDR. An agreement between the sponsor and owner under which the owner conveys to the sponsor the development rights with an easement or covenant requiring that the airport shall remain an airport that is open to the public in perpetuity may serve as the instrument recording the PDR. Such agreement must contain all provisions in Attachment 1.
- The sponsor or owner must provide an instrument recording the PDR in the appropriate local registry of deeds and land transfers before the sponsor receives the final grant payment. Regions will use Attachment 1 as a grant special condition. Therefore, the Attachment 1 terms and conditions will commonly apply to both the sponsor and owner.
- The sponsor and owner should provide a listing of any existing AIP obligations. The FAA will consider the nature and duration of existing Federal obligations.
- The sponsor and owner must be willing and able to assist us in assessing difficulties with the PDR. The sponsor and owner must provide requested information before, during and after project completion.
- We have initially decided our policy will be to limit PDR grants to funding from a single year to simplify the pilot program.

Owner and Airport:

- The owner must agree to allow a site inspection by the FAA and sponsor prior to the project.
- The owner must provide to the FAA the legal description and the acreage of the airport property.
- The owner must have filed a notice with the FAA under Title 14, Code of Federal Regulations, Part 157, that the airport status is privately-owned and open to the public. For purposes of the PDR pilot program, the airport does not need to be in the National Plan of Integrated Airport Systems (NPIAS) since it would receive no airport planning or development project grant under 49 USC 47102(12) and 47105(b)(2). Airports only need to be in the NPIAS where they are applying for airport planning or development project grants. Sponsors in the pilot program will apply for purchase of development right grants rather than planning or development project grants.
- The owner must have no prior obligation in a Federal agreement requiring that the airport remain open. For instance, such owner obligations resulting from AIP land acquisition projects are not limited in duration and the FAA may determine the project has additional useful life for airport development or noise compatibility programs. In the PDR pilot program, the mixing of these obligations will be avoided.
- The owner must provide a letter describing its concept for ownership and operation of the airport over the next ten years. The letter should identify whether a change in airport ownership or operating arrangements is currently anticipated during that period.
- An owner must either operate the airport or have a contractual agreement with another party for airport operation. Airport operators must be familiar with Advisory Circular 150/5200-28. If airport operation involves another party, a copy of the lease/agreement should be provided to the FAA.

How Does an Owner and Sponsor Express Interest?

Regions may contact potentially interested owners and/or sponsors at any time and informally invite them to express interest in the pilot program.

The procedure for selecting participants in the pilot program is to obtain a letter proposing the project on behalf of the sponsor. If the owner does not cosign the sponsor's letter, it must contain an indication of the owner's agreement to the proposal.

The statute sets no time period for the pilot program except indirectly by limiting it to the ten projects.

Planning a PDR

Planning required prior to selection of the proposal to prepare the Exhibit A or associated documentation should be treated as project formulation costs rather than a separate grant.

A separate planning project at the airport prior to the grant for the PDR is discouraged.

Due Diligence

Regions should ensure, at minimum, that planning accomplished for the proposal considers proposed obligations of the owner and sponsor.

Regions should discuss with owners as well as sponsors the terms and conditions of the PDR to ensure both parties understand each of them. Coordination of the proposal with airport owners, states, and potential sponsors is required to be certain that requirements of this PGL have been adequately addressed.

Federal interests are identified in standard terms and conditions of any proposed PDR. Use of this standard requires due diligence on the part of FAA to ensure the transaction adheres to all financial, legal, and environmental requirements or best practices. PDR is the acquisition of an interest in real property that requires the same due diligence as if the AIP grant was used for fee simple acquisition.

Selection and Project Application

APP-500 intends to review the proposals and select candidates for participation in the pilot program that have the most potential for demonstration of the PDR. After selection of a proposal by APP-500, sponsors would be asked to provide the grant application using the same procedures as other airport projects except as noted above.

We will evaluate pilot program projects on all phases of property rights takeover, including the valuation and compliance with the Federal agreements. We will determine whether the costs of the PDR are significantly less than buying the airport outright. Occasionally, fee acquisition may cost nearly the same as the PDR, which would suggest an individual PDR is inappropriate.

Regional Recommendations

Please send the proposals to APP-520 when you have a recommendation. We do not anticipate setting a proposal deadline. Do not disclose recommendations to airport owners, states or potential sponsors until a notice of selection.

for *John P. Horne*

Barry L. Molar

Attachment

Required Provisions in a Grant for Purchase of Development Rights

The State or political subdivision of the State as the Project Sponsor agrees that the instrument recording the purchase of airport development rights shall include required terms and conditions as follows:

1. Airport Property Map. Parcels of land obligated under the development rights agreement are described on the airport property map (Exhibit A).
2. Notice to Airmen. The owner will promptly notify airmen of any condition affecting aeronautical use of the airport property on the Exhibit A.
3. Acquisition of Development Rights. The acquisition of development rights by the Sponsor is for the right to develop and use the property depicted on the Exhibit A for a purpose other than as an airport open to the public or enhancing convenience of aviation activities. The purpose of the acquisition of development rights is to ensure that the airport will continue to be available as a public airport.
4. Hazardous Substance. The Federal Aviation Administration, State or political subdivision of the State do not assume any right to control the means by which the airport owner complies with restrictions on airport property nor an assumption of liability for discharge of a hazardous substance.
5. Public-Use Airport in Perpetuity. The airport owner, for good and valuable consideration, shall grant the Sponsor an easement or covenant that the airport shall remain open to the public for use as an airport in perpetuity. Such easement or covenant shall be in effect in perpetuity unless modified or released with the approval of the FAA under item 6 herein.
6. Modification or Release of Purchased Rights and Covenant. The Sponsor shall obtain approval of the FAA before a modification of the airport development rights that it purchased. The Sponsor shall obtain approval of the FAA before transfer or disposal of the airport development rights that were purchased only if the FAA finds that it is in the public interest.
7. Recordation. The Sponsor shall record the instrument evidencing the purchase of development rights and the granting of the easement or covenant that the airport shall remain open to the public for use as an

airport in perpetuity, in the local registry of deeds and land transfers in compliance with local law.

8. Final Payment. The full amount of the Federal grant to the Sponsor for the purchase of the development rights shall not be transferred to the Sponsor until the instrument recording the purchase of development rights and easement has been recorded in accordance with item 7 herein.
9. Sponsor's Obligation for Airport Operation. The Sponsor may be obligated to operate and maintain the airport if it is closed during other than periods of temporary climatic conditions that interfere with safe operation and maintenance. The airport owner and Sponsor agree that in the event the owner discontinues safe airport operation and maintenance, the Sponsor, in consultation with the FAA, may be required to assume that obligation.
10. Owner's Obligation for Airport Operation in Perpetuity. The airport owner or its successor is obligated to own the airport and operate it as an airport except for periods of temporary climatic conditions that interfere with safe operation and maintenance. In the event the airport owner discontinues safe airport operation and maintenance, the owner shall notify the FAA within 24 hours.
11. Enforcement of Development Rights by FAA. The instrument recording the purchase of development rights shall grant the FAA third party beneficiary rights to enforce the easement or covenant that the airport shall remain a public-use airport in perpetuity and the Sponsor's obligation for airport operation.

Appendix F: Sample Airport Zoning Ordinances from other Oregon Airports

Attached is the following information:

- Cover Sheet listing the zoning ordinances studied; May 16, 2005, 2 pp; the actual ordinances are not attached here, but can be provided on request.

Sportsman Airpark: Land Use Zone Master Plan
Project Memorandum

Sample Airport Zoning Ordinances from other Oregon Airports

May 16, 2005

This memo provides samples of Airport Zoning Ordinances from other Oregon Airports. The purpose of collecting these is to provide samples of how other jurisdictions are governing their airports. Typically, there are two different types of zoning ordinances for airports. One governs land uses that are permitted to occur at the airport, while the other protects airspace at and around the airport as an zoning overlay that affects height of development. Our interest in this study is of zoning for the land at the airport, and the kinds of uses that can occur. We include examples of the latter type of airspace zoning for information purposes only. Copies of any zoning that is currently on the lands within the proposed district are also included, for information purposes.

The following zoning ordinances are attached:

1. Yamhill County Section 803 PALF Public Airports/Landing Fields District Zone: This is the land use zone that Sportsman Airpark (Tax Lot 300) is currently governed under since it is within Yamhill County, though within the City of Newberg Urban Growth Boundary and thus able to annex to the City of Newberg.
2. Yamhill County Section 702 LI Light Industrial Zone: This is the land use zone that Tax Lot 1900 is currently governed under since it is within Yamhill County.
3. Yamhill County AF-10 Zone: This is the current zoning of Tax Lots 303, 1300, 1400, 1500, and 1600.
4. Yamhill County Airport Overlay District Zone: This is the airspace overlay that Sportsman Airpark is currently governed under since it is within Yamhill County. This zone also covers county land (not city land) under the imaginary surfaces (airspace clear areas) for Sportsman Airpark.
5. City of Newberg Light Industrial M2 Zone: This is the zoning that is currently on Tax Lots 302 and 1702 some of the properties to the east of the airport, but within the study area for this project.
6. City of Newberg AO Airport Overlay Zone: This is the current zoning for airport overlay of lands within the City of Newberg.
7. City of Scappoose PUA Public Use Airport Zone: This is the land use zone that Scappoose Airport uses as it is within the City of Scappoose.
8. Columbia County Airport Industrial Zone: This is the land use zone that Columbia County has for county land around the Scappoose Airport which may in the future be allowed to access the airport. Some of this land is also within the City of Scappoose urban growth boundary and thus may be annexed to the city at a future date.
9. Marion County Aurora Airport P Public Zone: This is a zone designation that is not for airports, but allows airport uses as a conditional use. Much development has occurred at

Aurora Airport in spite of this zone designation, not because of it. It is a very difficult zone to use for an airport.

10. Deschutes County Bend AD Airport Development Zone: Bend Airport has been very successful in attracting businesses and growth. The zone includes different "Districts" including Airfield Operations District, Aviation Support District, and Aviation Related Industrial District.
11. City of Independence Subchapter 76 Airport Development Zone: This zone provides the basic rules for development in the airport district.
12. City of Independence Subchapter 48 a Residential Single Family Airpark Overlay: This overlay covers the residential portions of Independence Airport.
13. City of Independence Subchapter 78 Airport Safety and Compatibility: This zone covers compatibility of surrounding lands.
14. City of Independence Subchapter 77 Airport Zone Height Limitations: This zone covers height limits for airspace.
15. City of North Bend AZ Airport Zone: This zone covers the land contained within the boundaries of North Bend Municipal Airport.
16. Clackamas County Public Use Airport & Safety Overlay Zones: This zone applies to several public airports in Clackamas County.
17. Grant County Airport Combining Zone: This zone applies to Grant County Airport in John Day. It is an overlay zone which is added to the underlying zone.
18. Oregon Department of Aviation Model Public Use Airport Zone: This is intended to be a model for land use at public airports in Oregon.
19. Oregon Department of Aviation Model Public Airport Safety and Compatibility Overlay Zone: There are two versions attached, one for visual airports and another for instrument approach airports.
20. City of Ashland E-1 Employment District: This zone is used for Ashland Airport.
21. City of Ashland Airport Overlay Zone: This zone provides the airspace overlay for Ashland Airport.
22. City of Hillsboro M-2 Industrial and M-P Zones: The M-2 zone is used for most of Hillsboro Airport, without any modification. Since the M-2 zone allows any use allowed outright in a C-1 zone, the C-1 is also attached. A portion of the west side of the airport is zoned M-P, which is attached.

Memorandum by Aron Faegre

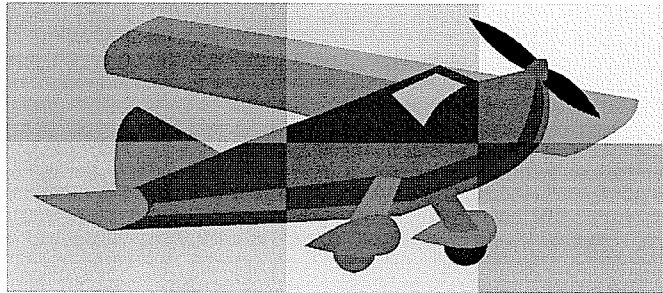
cc: David Bean, Barton Brierley, Jerry Dale

Appendix G: Public Meetings

Attached is the following information from public meetings:

- Public Meeting Notice for March 30, 2005 Meeting
- Public Meeting March 30, 2005, Meeting Minutes
- Public Meeting, Power Point Presentation March 30, 2005
- Public Meeting, Power Point Presentation October 18, 2005

How Should We Improve Newberg's Airport?



The City of Newberg, in cooperation with the owner of Newberg's privately-owned airport (Sportsman Airpark), is beginning to explore potential future uses for the airport and its surrounding areas. The goal of this project is to develop a master plan that will enhance Newberg's economy and overall livability. To reach this goal, we need the ideas and participation of our citizens.

You Are Invited to Our Open House

Date: Wednesday, March 30, 2005
Time: 7:00 p.m.
Where: Newberg Public Safety Building
401 E. Third Street

If you have any questions, please contact David Beam, Economic Development Coordinator/Planner at 503-537-1213 or beamday@ci.newberg.or.us/.

Sportsman Airpark Land Use Master Plan

Proposed Zoning to promote Aviation-Related Economic Development

**Public Meeting,
Wednesday, March 30, 2005, 7pm
Public Safety Building, 401 E. Third Street**

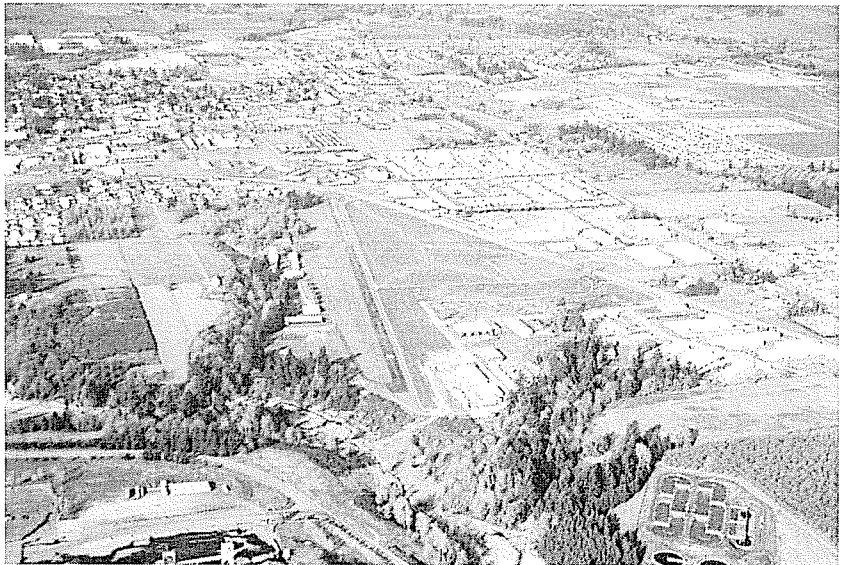
The City of Newberg is initiating a study which will create a land use master plan for a 113 acre study area in and around Sportsman Airpark. The area is located adjacent to the City of Newberg, and within its urban growth boundary. The area will most likely include nine properties that all would be allowed to have direct access to the airport runway. None of the property owners will be required to be in the plan. Being part of this plan will be optional on their part.

The master plan will propose establishing an airport zone that encourages the development of commercial, industrial, and residential uses that thrive with the availability of an adjacent runway. However, it is important to reassure the community that the airport will remain the small community airport that it is. There are no plans to extend the runway, create scheduled air service, or otherwise change the airport's character.

There are many small businesses that desire to set up shop at an airport, however most airports do not allow businesses to own their own property or buildings. At Sportsman

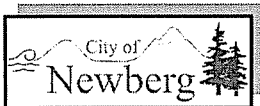
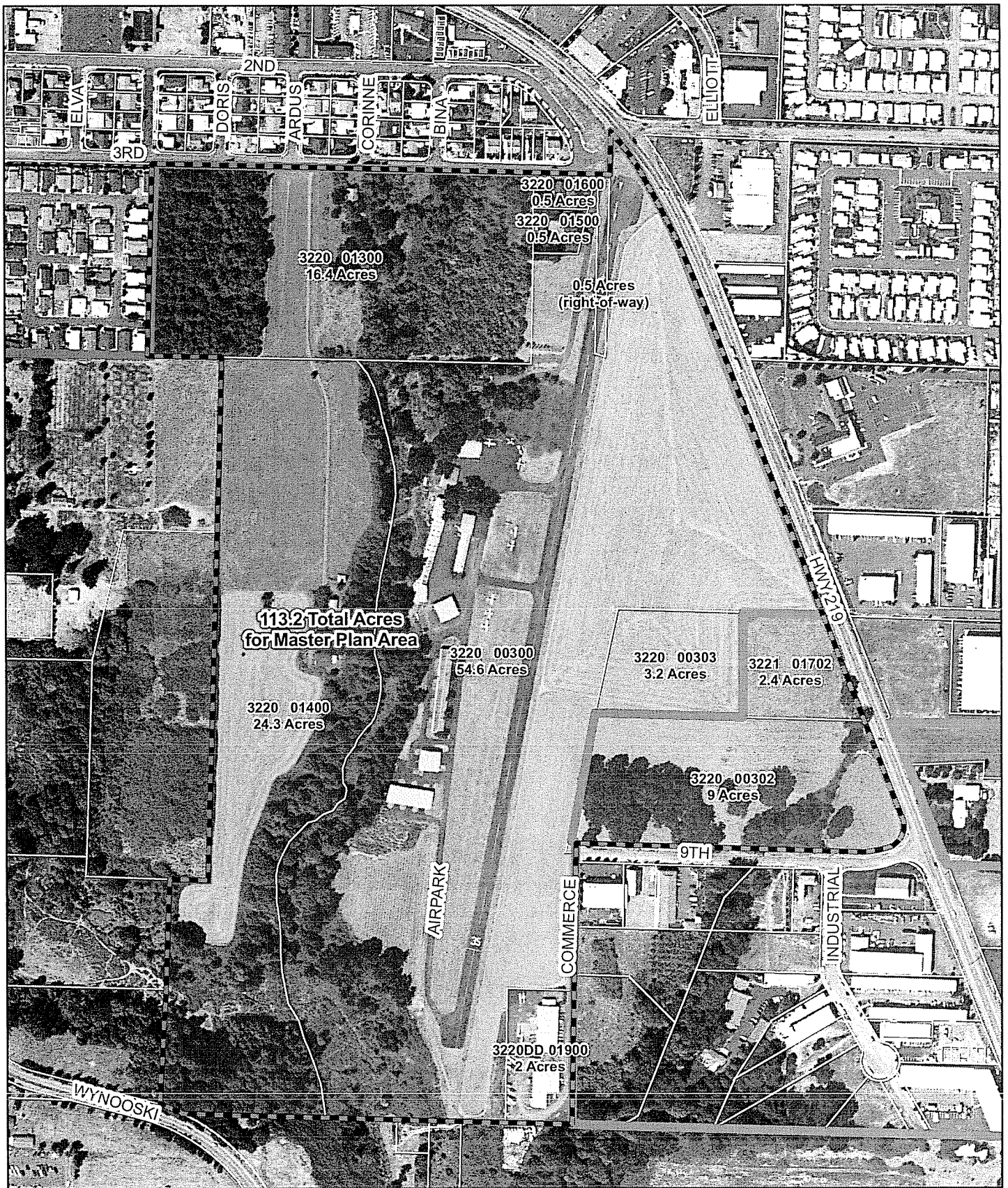
Airpark businesses will be allowed to own their property and buildings, and it is believed that this asset will help to bring new businesses to Newberg. Since airport related businesses provide services that relate to the high technology of aircraft systems, the jobs generated

are typically clean, and pay well. And of equal importance to jobs, the new buildings and site development for these properties will result in an increased tax base for the community to support schools, fire and police services.



The master plan study will be an approximately six month process, occurring from March through August 2005, and will include several public meetings to gain input, suggestions and comments that can be incorporated into the plan. A first public meeting will be held on Wednesday, March 30th at 7pm at the City of Newberg Public Safety Building at 401 E. Third Street, to have a general discussion about the airport plan idea, the properties to be involved, and the directions the plan should take. A later public meeting will provide a forum for review of some draft documents for the zone. Finally, there will be public meetings held with the Planning Commission and with the City Council.

For more information, call David Beam, Economic Development Coordinator/Planner at 503-537-1213 or planning consultant Aron Faegre, at 503-222-2546.



Sportsman Airpark Master Plan Area



Legend

- Proposed Sportsman Airpark Master Plan Area
- Newberg City Limits

Sportsman Airpark: Land Use Zone Master Plan
Public Meeting – March 30, 2005

Meeting Minutes

A public meeting was held in the City of Newberg Public Safety Building at 401 E. Third Street, On March 30, 2005 at 7pm to discuss the land use master plan project for the Sportsman Airpark airport and surrounding 113 acre area. The project involves studying the area and proposing potential future land use zoning for the area that might promote the creation of new jobs and tax base in the area, through the attraction and development of aviation related businesses and possibly aviation related housing.

The following people were in attendance: [see list on file with City of Newberg].

The following items were discussed:

1. Introductions: The meeting was opened by David Beam, Economic Development Coordinator for the City of Newberg. He thanked all present for coming to the meeting, briefly described the study and turned the meeting over to Aron Faegre, the planning consultant for the project.
2. Presentation/Discussion: Aron Faegre began by reviewing the one page public meeting announcement, as it provided a succinct explanation of the project. Next a 16 slide Power Point presentation was projected on the wall screen for all to see. The presentation was done in an informal manner, with questions, answers, and discussion held during the presentation. A copy of the meeting announcement and the presentation slides are attached to these minutes. These should be reviewed for a summary of the information presented. The following paragraphs will summarize comments, suggestions, and discussion that came out of the presentation.
3. Residential Compatibility: One attendee from a nearby residential area asked whether further development at the airport would be compatible with adjacent residential areas. It was noted that the area directly around the airport and to the east is zoned for future light and medium intensity industrial development. Thus, to some extent the issue of compatibility between differing uses will be an issue no matter how the area develops. It was noted that there will be no requirement that adjacent properties would have to develop as aviation related uses. It simply would be an option for them. The airport would remain a small airport for small airplanes. There is not plan for extending the runway to make the airport suitable for larger planes. Jerry Dale, airport owner, noted that very occasionally a small jet aircraft has used the airport, but there are only a few that can do this, and they can only do it when they are very lightly loaded.

The small propeller aircraft will remain the everyday users of the airport. Faegre noted that whether more aviation related uses base at the airport or not, it will be important to keep informing and training pilots using the airport to follow "noise abatement" procedures to the greatest extent possible during takeoffs and landings. For the smaller propeller aircraft, the

most important element of this is to use reduced RPM (revolutions per minute) of the propeller whenever possible. The smallest propeller aircraft can't adjust their RPM's, however the smaller aircraft are fairly quiet. The more powerful engined propeller aircraft often have the ability to adjust the RPM of their propeller, and as long as the aircraft are not heavily loaded (or a hot day when the air is thin) they often can reduce their RPM from maximum takeoff levels. Noise abatement procedures are always "advisory only" as the pilot is mandated by FAA to put the safety of flight always first. These kind of things will be important to maintaining residential compatibility now and in the future.

4. FAA Strings Attached: One option being considered is to have the runway and taxiway be owned by the City of Newberg. Under this scenario FAA funds would be used to purchase the runway and taxiway, and then in the future FAA funds could be used to pay for a large amount of the pavement maintenance, runway light systems, and other airport infrastructure elements. Such funds would come from the FAA's "Airport Improvement Program" (AIP) which are dedicated funds that come from a tax on aviation fuel, similar to the Highway Trust Fund which comes from a tax on auto and truck gas. Faegre noted that there are "grant assurances" – strings –that must be agreed to when accepting FAA funds. For example, the airport must be kept open for at least 20 years from the date of the last grant. In addition, the airport must be made available for use by anyone, and there can be no preferential treatment allowed for particular users. Similar constraints usually come with any federal funds, whether they are for a marina or a park or a highway, or an airport.
5. Instrument Approach: One person present asked if Sportsman Airpark will be getting a GPS instrument approach. This would be a system so that if there are clouds at say 1000 feet above the ground, an aircraft could approach the airport and follow the instrument approach procedure which would allow them to penetrate through the cloud layer and then land visually as normal. Jerry Dale, airport owner, noted that he has applied to the FAA to have them create this kind of approach for the airport. From a pilot perspective having an instrument approach makes the airport more useful.
6. Aurora Airport: Faegre was asked to describe the changes that occurred as Aurora Airport has expanded with private development around the runway. He noted that Aurora Airport has a 5000 foot runway (Sportsman's is 2745 feet) which is very usable for jet aircraft. So Aurora has developed as a place for high performance business aircraft. At Aurora Airport the private properties have always existed adjacent to the airport and been used for aviation (or farmland as the only other option), so it is not comparable with Newberg where owners will have multiple development options and it would be their determination as to whether they want to be part of the airport or not.

In the case of Sportsman Airpark, because of the fairly short runway it will remain a place for smaller aircraft. So the strategy for adjacent aviation related development in Newberg will need to be very different than what Aurora has done. Rather Newberg will need to play on its uniqueness and strength as a small "green" airport. There are many aviation people who prefer the small aircraft over the larger business jet type aircraft. In fact there are people

moving their planes from Aurora Airport to a smaller, shorter airport located slightly to the south because they don't want to be around the jets.

7. Affect on Values of Properties: A person asked whether the proposed aviation related development would affect property values in the surrounding area. Faegre said that properties to the east of the airport are already intended by zoning to become industrial. It is not expected that aviation related industrial would be significantly different from other industrial types. To the west of the airport, if properties
8. Vehicular Traffic in Area: A person from a nearby residential area noted that there is already a large amount of vehicular traffic in the area and would like to see a stop light installed so that they can cross Highway 219 near 2nd or Everest Streets. They feel threatened by the traffic when they try to cross the highway. This request is to the City no matter how the area develops. With more traffic it will become harder and harder to cross Highway 219 in this area.
9. Type of Airport Residential: Some of the zoning for the airport district may allow residences. In this case the assumption will be that the residences want to have access to the runway. In this case lots would likely have the ability to bring a car to the house from the road, and a plane to the house from the runway.
10. More Park Land Needed in Area: A person from a nearby residential area felt that there is not any park nearby for their use. City staff noted that the City Park Department does own a sizable piece just west of the study area. However there is no immediate plan for its development.
11. Noise Abatement as Part of Ordinance: A person suggested that maybe the issue of the need for informing pilots about the need for flying with neighborhood friendly "noise abatement" procedures might be put right into the land use ordinance. This would cause anyone developing in the airport district to describe their plans for maintaining neighborhood compatibility as part of any development plans that are submitted. Faegre said he thought this was a very creative idea and would attempt to include it in the draft prepared for Sportsman Airpark.

Minutes by Aron Faegre / 3-30-05

Please forward proposed corrections, additions, or changes for inclusion in a final version.

attachments: Sportsman Airpark Public Meeting Announcement, 2pp.
Sportsman Airpark Power Point Presentation, 16 slides.

cc: David Bean, Barton Brierley, Jerry Dale

Sportsman Airpark: Land Use Zone Master Plan



Sportsman Airpark Land Use Master Plan

1

Project Goals

- Create a master plan that can guide the development of Sportsman Airpark and adjacent properties for aviation-related businesses and residences
- Develop this master plan so that it serves the larger community by creating new jobs, increasing the tax base for schools, and enhancing the public usefulness of the airport

Sportsman Airpark Land Use Master Plan

2

Planning Team Members

- David Beam, Economic Development Coordinator/Planner
- Barton Brierley, City Planner
- Jerry Dale, Airport Owner
- Aron Faegre, Airport Planner
 - 17 years airport planning
 - 35 Oregon airports
 - Pilot
 - architect & engineer
 - specialize in community facilities
 - why interest in airports & aviation

Sportsman Airpark Land Use Master Plan

3

Airport Zoning Types

- Land Use & Development Zone Req'ts
 - ◆ Allowed uses
 - ◆ Aviation-related
 - ◆ Commercial / Industrial / Residential
 - ◆ Roads / Runway / Taxiway
- Airspace & Safety Zone Req'ts
 - ◆ Approach clearances
 - ◆ Runway protection zone
 - ◆ Runway safety zone
 - ◆ Runway object free zone

Sportsman Airpark Land Use Master Plan

4

Key Project Tasks: Planning/Zoning

- Establish initial boundary of properties
- Create project summary
- Hold public meeting to gain input
- Ensure property owners ok
- Review other airport zoning ordinances
- Review LCDC Airport Planning Rules
- Review FAA Airport Planning Standards
- Review Local City/County/State Road Plans
- Create draft of Zone Amendments
- Create draft of Land Annexation Request

Sportsman Airpark Land Use Master Plan

5

Key Project Tasks: Economic Analysis

- Establish initial property values
- Establish initial number of jobs
- Estimate potential 5, 10, 20 year projections of increased values & jobs
- Identify potential incentives to add to zone to attract businesses
- Identify potential for FAA funding
- Consider public ownership of runway
- Create Draft Economic Analysis
- Gain city/state/federal input on any other sources of funding for development

Sportsman Airpark Land Use Master Plan

6

Key Project Tasks: Public Input

- This meeting
- Written suggestions – mail & email
- Telephone calls
- Public Meeting to review Draft Zoning/Planning Documents
- Public Meeting with Planning Commission
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Sportsman Airpark Land Use Master Plan

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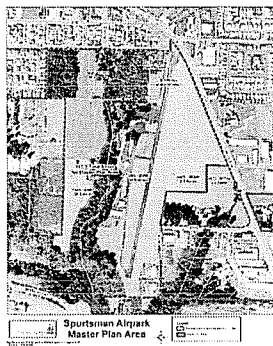
Airport Ownership and Development: Public-Private Partnerships

- Most airports started out private (through 1940's)
- Then US Government encouraged public ownership to create a national system of airports available for anyone traveling cross country
- Heavy Government regulation – even where airlines could fly and how much could charge
- Airline Deregulation Act of 1978 created a free market environment for the airlines
- Most small airports today still functioning under old model of total public agency control
- Some are adopting a public-private partnership which allows private ownership to occur
- Sportsman Airpark is unusual - is a public airport but has always been in private ownership

Sportsman Airpark Land Use Master Plan

8

Proposed Master



Sportsman Airpark Land Use Master Plan

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Master Plan Area Properties

- Initial study area 9 properties, 113 acres
- By participating in study there is no requirement to be included in the final plan
- But please provide input for what you would like if you did participate

Sportsman Airpark Land Use Master Plan

10

Residential Public-Private Example: Independence Airport



Sportsman Airpark Land Use Master Plan

11

Commercial/ Industrial Example: Aurora Airport




Sportsman Airpark Land Use Master Plan

12

Examples of Growth in Tax Base

13

Commercial/ Industrial Example: Scappoose Airport



14


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The Small Community Character of the Airport is not to change – that is part of its attraction for future development. It can be an aviation-related business and residential development that is in a green, friendly setting.

15

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Sportsman Airpark is already an important contributor to the Community for jobs and tax base – it can do even more.

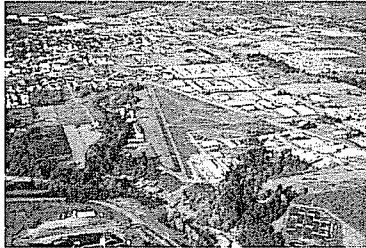


Sportsman Airpark Land Use Master Plan

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16

Sportsman Airpark: Land Use Zone Master Plan



Sportsman Airpark Land Use Master Plan

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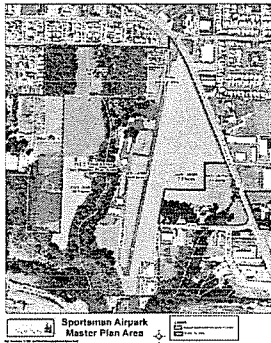
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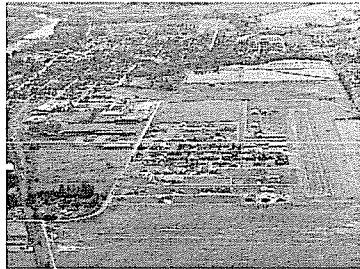
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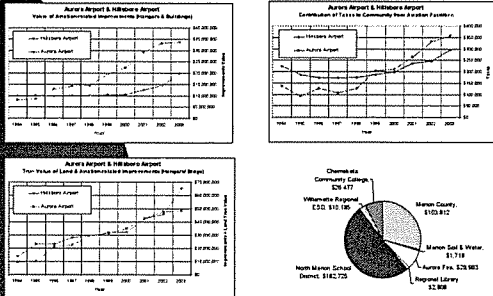
Commercial/ Industrial Example: Aurora Airport



Sportsman Airpark Land Use Master Plan

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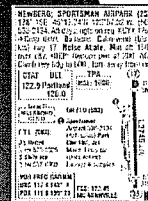
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Sportsman Airpark Land Use Master Plan

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Sportsman Airpark Land Use Master Plan

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Sportsman Airpark Land Use Master Plan

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Appendix H: Report Authorship

This report was created through a public process that included public meetings as listed in Appendix F. In addition, review of public input and coordination between airport owner and City of Newberg staff was accomplished through regular meetings, email, telephone discussions, and review of drafts by:

- Jerry Dale, Owner of Sportsman Airpark,
- David Beam, Economic Development Coordinator/Planner, City of Newberg, and
- Barton Brierley, Planning and Building Director, City of Newberg

The text and graphics for the report were created by Aron Faegre, P.E, AIA, Aron Faegre & Associates (AFA). Mr. Faegre is the principal of AFA, a multi-disciplinary planning, architecture, engineering, and landscape design firm. Mr. Faegre has a Master's Degree from the Massachusetts Institute of Technology (1976) and a Bachelor's Degree from Reed College (1971). Mr. Faegre is licensed as a civil engineer, architect, and landscape architect. He is also a commercial and instrument rated seaplane pilot, and president of the Columbia Seaplane Pilots Association. A principal focus of his work is as an airport planner, with experience at over 35 airports, most in the Western United States. His firm's airport work has varied from master planning, airport layout plans, environmental assessments, terminal design, hangar design, and utility system design, to detailed noise impact analysis and economic impacts of public-private airport partnerships.